

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, SONNEY AND WHITE, MAY 18, 2011

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 14, 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

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

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

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

27 SECTION 1. SECTION 1 OF THE ACT OF MAY 13, 1915 (P.L.286, ←
28 NO.177), KNOWN AS THE CHILD LABOR LAW, IS AMENDED BY ADDING
29 DEFINITIONS TO READ:

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

39 * * *

1 SECTION 1. * * *

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

4 The term "documentary program" when used in this act, shall
5 mean a genre of motion picture program, including programming
6 for television, that depicts or portrays a nonfiction story and
7 may present an opinion or a specific message along with factual
8 material.

9 The term "reality program" when used in this act, shall mean
10 a genre of program that principally presents unscripted
11 situations, dialogue and actions depicting or portraying actual
12 events and generally features ordinary people and not
13 professional actors.

14 ~~The term "studio teacher" when used in this act, shall mean a~~ ←
15 ~~teacher who has current credentials issued by the Department of~~
16 ~~Education of Pennsylvania or the equivalent education agency of~~
17 ~~another state.~~

18 ~~The term "work permit" when used in this act, shall mean a~~
19 ~~work permit entitling a minor to employment except for minors~~
20 ~~engaged in a performance under this act or who participate in a~~
21 ~~reality or documentary program for compensation under this act.~~

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

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

30 Provided, That messengers employed by telegraph companies at

1 offices where only one such minor is employed as a messenger in
2 which case such minor shall not be employed for more than six
3 consecutive days in any one week, or more than fifty-one hours
4 in any one week, or more than nine hours in any one day: And
5 provided further, That no minor under eighteen years of age, who
6 is enrolled in regular day school and working outside school
7 hours, shall be employed or permitted to work for more than
8 twenty-eight hours during a school week.

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

1 hazardous by the United States Secretary of Labor.

2 [No] Except as provided in this section and sections 7.1 and
3 7.5, no minor under eighteen years of age shall be employed or
4 permitted to work for more than five hours continuously in,
5 about, or in connection with, any establishment without an
6 interval of at least thirty minutes for a lunch period and no
7 period of less than thirty minutes shall be deemed to interrupt
8 a continuous period of work.

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

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

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

30 Section 5. No minor under sixteen years of age shall be

1 employed or permitted to work in, about, or in connection with,
2 any manufacturing or mechanical occupation or process; nor on
3 scaffolding; nor in heavy work in the building trades; nor in
4 stripping or assorting tobacco; nor in any tunnel; nor upon any
5 railroad, steam, electric or otherwise; nor upon any boat
6 engaged in the transportation of passengers or merchandise; nor
7 in operating motor-vehicles of any description; nor in any
8 anthracite or bituminous coal-mine, or in any other mine.

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

1 No minor under eighteen years of age shall be employed or
2 permitted to work in, about, or in connection with, any
3 establishment where alcoholic liquors are distilled, rectified,
4 compounded, brewed, manufactured, bottled, sold, or dispensed;
5 nor in a pool or billiard room: Provided, That male or female
6 minors sixteen years of age and over may be employed and
7 permitted to work that part of a motel, restaurant, club or
8 hotel in which liquor or malt or brewed beverages are not
9 served: And, provided further, That minors sixteen years of age
10 and over may be employed to serve food, clear tables and perform
11 other duties, not to include the dispensing or serving of
12 alcoholic beverages, in any licensed establishment whose sales
13 of food and nonalcoholic beverages are equal to forty per cent
14 or more of the combined gross sales of both food and alcoholic
15 beverages. Before employing any minor sixteen years of age and
16 over, any establishment licensed by the Liquor Control Board
17 shall furnish to the school district official authorized to
18 issue employment certificates a certification that, for a period
19 of not less than ninety consecutive days during the twelve
20 months immediately preceding the date of application, the sales
21 of food and nonalcoholic beverages by the employer at the
22 licensed premises were equal to or exceeded forty per cent of
23 the combined gross sales of food, nonalcoholic and alcoholic
24 beverages in conformity with the requirements set forth in
25 Regulation 141 of the Liquor Control Board governing the sale of
26 alcoholic beverages on Sunday. Nothing in this section shall
27 prevent the filming of a minor in a hotel, club, restaurant or
28 other dining or recreational facility as a part of a performance
29 in accordance with the provisions of section 7.1 or 7.5, in a
30 hotel, club, restaurant or other dining or recreational

1 facility.

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

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

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

25 Section 4. Section 7.1 of the act, amended or added August
26 23, 1961 (P.L.1107, No.494), December 21, 1988 (P.L.1908,
27 No.192) and December 21, 1998 (P.L.1242, No.158), is amended to
28 read:

29 Section 7.1. [(a) The Department of Labor and Industry is
30 hereby authorized to issue special permits for the employment of

1 minors seven and under eighteen years of age in theatrical
2 productions, musical recitals or concerts, entertainment acts,
3 modeling, radio, television, motion picture making, or in other
4 similar forms or media of entertainment in Pennsylvania where
5 the performance of such minor is not hazardous to his safety or
6 well-being, except as follows:

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

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

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

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

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

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

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

29 (b) Rehearsals for performances as set forth in this section
30 shall be permitted, providing the length of time and hours of

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

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

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

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

28 ~~(a) A minor is engaged in a performance and employed under~~ ←
29 ~~this section if the minor models or~~ ← THE DEPARTMENT OF LABOR AND
30 ~~INDUSTRY IS HEREBY AUTHORIZED TO ISSUE A SPECIAL WORK PERMIT TO~~

1 A MINOR WHO renders artistic or creative services in theater,
2 radio, television, movies, the Internet, publications or a
3 medium that may be transmitted to an audience and ~~if a~~ THE minor ←
4 receives remuneration for the performance, ~~but does not include~~ ←
5 ~~the minor's participation in reality or documentary programs.~~

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 ~~contained~~ THOSE ESTABLISHED in regulations ←
13 promulgated 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 renewal.

13 (e) (1) A minor is prohibited from working more than eight
14 hours in any workday or more than forty-eight hours in one week.
15 A minor is prohibited from working before 5 o'clock in the ←
16 morning on a day preceding a school day, a minor may not work
17 later than 10 o'clock in the evening on a day preceding a non
18 school day, a minor may not work later than 12:30 o'clock in the
19 morning. A MINOR MAY NOT WORK PAST TEN O'CLOCK ON THE NIGHT ←
20 BEFORE A SCHOOL DAY OR PAST TWELVE-THIRTY IN THE MORNING ON
21 OTHER NIGHTS, AND A MINOR MAY NOT WORK BEFORE FIVE O'CLOCK IN
22 THE MORNING.

23 (2) The department may waive or modify the restrictions
24 contained in this ~~section~~ SUBSECTION if the department ←
25 reasonably determines: the parent or guardian approves of the
26 waiver, the waiver will not impair the educational instruction
27 of the minor; and the waiver will not compromise the health or
28 safety of the minor.

29 (3) No infant under the age of one month may be employed in
30 a performance unless a licensed physician provides written

1 certification that the infant is at least fifteen days old and,
2 in his medical opinion:

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

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

5 (iii) The infant is physically capable of handling the
6 requirements of the performance.

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

9 (4) The department may promulgate further regulations
10 governing the working hours for minors under this section ←
11 SUBSECTION. ←

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

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

1 regular school due to his employment schedule.

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

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

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

16 (6) School districts shall have the authority, in
17 cooperation with the Department of Education and the parent or
18 guardian of the minor, to develop alternative methods by which
19 minors may satisfy their educational requirements at times
20 outside the normal school day. ALTERNATIVE METHODS UNDER THIS
21 PARAGRAPH SHALL BE NO MORE RESTRICTIVE THAN THOSE SET FORTH IN
22 THIS SECTION.

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



1 (ii) If the minor's employer has not been notified within
2 fifteen days of commencement of employment of the existence of a
3 trust account established under 20 Pa.C.S. Ch. 53, or no such
4 account has been established by the minor's parent or guardian,
5 then the minor's employer shall transfer such monies together
6 with the minor's name and last known address to the State
7 Treasurer for placement into an account for the benefit of the
8 minor.

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

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

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

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

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

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

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

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

7 (H) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A ←
8 PERMIT FOR A MINOR'S PARTICIPATION IN A CHURCH, SCHOOL,
9 COMMUNITY OR CHARITABLE ACTIVITY, FOR WHICH THE MINOR RECEIVES
10 NO COMPENSATION OR REMUNERATION.

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

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

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

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

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

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

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

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

5 (c) The department shall issue a permit under the following
6 conditions:

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

10 ~~(2) The minor's participation does not extend past 10~~ ←
11 ~~o'clock in the evening on nights before days school is in~~
12 ~~session, unless the minor has met the compulsory education~~
13 ~~requirements, or 12 thirty o'clock on nights before days that~~
14 ~~school is not in session, and the minor's participation does not~~
15 ~~begin before 5 o'clock in the morning.~~ THE MINOR MAY NOT WORK ←
16 ~~PAST TEN O'CLOCK ON THE NIGHT BEFORE A SCHOOL DAY OR PAST~~
17 ~~TWELVE-THIRTY IN THE MORNING ON OTHER NIGHTS, AND A MINOR MAY~~
18 ~~NOT WORK BEFORE FIVE O'CLOCK IN THE MORNING.~~

19 (3) The minor's participation does not exceed eight hours in
20 a day or forty-eight hours in a week.

21 (4) The department may waive or modify the restrictions
22 contained in this section if the department reasonably
23 determines:

24 (i) The waiver is necessary in light of the nature of the
25 program.

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

27 (iii) The waiver will not impair the educational instruction
28 of the minor.

29 (iv) The waiver will not compromise the health or safety of
30 the minor.

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

3 (i) Be made on a form issued by the department and signed by
4 the person or entity responsible for filming and the parent or
5 guardian.

6 (ii) State the legal name, address and date of birth of the
7 minor.

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

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

13 (v) State the dates of the minor's expected participation,
14 hours of the minor's participation and length of time the minor
15 will participate.

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

18 (vii) Contain proof of workers' compensation insurance by
19 the person or entity responsible for filming in accordance with
20 the act of June 2, 1915 (P.L.736, No.338), known as the Workers'
21 Compensation Act, IF REQUIRED.

22 (viii) Contain a description of the compensation for the
23 minor's participation.

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

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

30 (xi) Additional requirements determined by the department.



1 ~~(d) A work permit is not required for a minor's~~ ←
2 ~~participation in a church, public or religious school, community~~
3 ~~or charitable filming activity, for which no admission fee is~~
4 ~~charged (RESERVED).~~ ←

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

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

11 (2) The educational instruction of the minor is not
12 impaired.

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

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

17 (G) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A ←
18 PERMIT FOR A MINOR'S PARTICIPATION IN A CHURCH, SCHOOL,
19 COMMUNITY OR CHARITABLE ACTIVITY, FOR WHICH THE MINOR RECEIVES
20 NO COMPENSATION OR REMUNERATION.

21 Section 6. Sections 8 and 10 of the act, amended December
22 21, 1988 (P.L.1908, No.192), are amended to read:

23 Section 8. (a) [Before] Except as provided for in sections
24 7.1 and 7.5, before any minor under eighteen years of age shall
25 be employed, permitted or suffered to work in, about, or in
26 connection with, any establishment, or in any occupation, the
27 person employing such minor shall procure and keep on file, and
28 accessible to any attendance officer, deputy factory inspector,
29 or other authorized inspector or officer charged with the
30 enforcement of this act, an employment certificate as

1 hereinafter provided, issued for said minor.

2 (b) Any minor who has reached the age of sixteen may receive
3 a transferable work permit instead of an employment certificate
4 from the appropriate issuing official. All transferable work
5 permits shall be valid for the entire period the minor is
6 eligible for work and is under the age of eighteen. The employer
7 shall ensure that the minors have valid transferable work
8 permits in accordance with sections 17 and 17.1.

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

28 Section 7. This act shall take effect ~~in 60 days~~ OCTOBER 1,
29 2011. ←