

REVISION OF CHILD LABOR LAWS

REPORT OF THE

VIRGINIA ADVISORY LEGISLATIVE COUNCIL

To

THE GOVERNOR

And

THE GENERAL ASSEMBLY OF VIRGINIA



COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1960

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Richmond, Virginia,
December 15, 1959

To:

HONORABLE J. LINDSAY ALMOND, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

The latest major revision in the Child Labor Laws of Virginia was had in 1948 and the changes represented a progressive step forward. Various amendments have been made from time to time since in these statutes and some of them have not been too well considered. The General Assembly of 1958 was of opinion that an overall study of these statutes should be made, with a view to correcting deficiencies and making such other changes as experience might dictate. Accordingly, the following resolution was adopted directing the Virginia Advisory Legislative Council to make the indicated study and report.

SENATE JOINT RESOLUTION NO. 10

Directing the Virginia Advisory Legislative Council to study matters related to the employment of children.

Whereas, there has been a marked increase in offenses committed by children in recent years which is thought to have been brought about, in part, by a lack of wholesome activities available to children; and

Whereas, conditions relating to gainful employment of children have undergone substantial changes since enactment of the Child Labor Law of this State in nineteen hundred fourteen by reason of changing social and economic patterns within the State; and

Whereas, the aforesaid Child Labor Law has been amended from time to time as the exigencies of the existing situation might require without considering the advisability of evaluating the same in the light of the best interests of the State on a long term basis; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Virginia Advisory Legislative Council is hereby directed to study the statutes of Virginia relating to child labor and particularly those contained in Chapter 5 of Title 40 of the Code of Virginia and prepare drafts of such legislation as the Council may deem advisable.

The Council shall complete its study and make its report to the Governor and the General Assembly not later than December one, nineteen hundred fifty-nine.

The Council assigned this study to Charles R. Fenwick, member of the State Senate from Arlington, to serve as Chairman of a committee to make the initial investigation and report in this area. The following

were associated with Senator Fenwick in the study: Edmond Boggs, Commissioner of Labor, Richmond; Mrs. Leone Buchholz, Arlington; M. A. Cross, Dan River Mills, Danville; Calvin H. Dalby, Safety Director of the City of Norfolk, Norfolk; Mrs. Jack Gold, Richmond; Eugene R. Hubbard, AFL-CIO, Arlington; James T. Mathews, Sears-Roebuck, Inc., Richmond; Mrs. Weeks Muhleman, Richmond; Mrs. Irene Pancoast, Judge, Juvenile Court, Alexandria; Archie F. Parrish, Archie's Restaurant, Roanoke; Davis Y. Paschall, State Department of Public Instruction, Richmond, and Charles H. Robertson, Albemarle Paper Company, Richmond. John B. Boatwright, Jr., and Fletcher W. Harkrader, Jr. served as Secretary and Recording Secretary, respectively, to the Committee.

All agencies of the State involved freely furnished information and assistance to the Committee and many valuable suggestions came from these sources. The participation of representatives of the State Department of Education, the Department of Labor and Industry, and of Juvenile and Domestic Relations Judges was of great assistance both in furnishing information as to administrative practices and difficulties and also in pointing up areas in which changes were required. The assistance rendered by civic groups which cooperated in the study was also of material aid. We express our appreciation to all those who assisted in the preparation of this report and especially to the members of the Committee who gave so much time and thought to the problems under study.

The Committee, upon completion of its deliberations, made its report to the Council. The Council has carefully reviewed the report of the Committee, and now submits the following observations and recommendations for amendment of the child labor laws.

Throughout our consideration of this important problem the welfare of the child has been foremost in our minds. We recognize that changes have come about of a sweeping nature both in the field of employment and also in family life itself. For instance, unemployment was a major problem prior to the second World War and, while it still exists in certain areas, the problem is nowhere as acute as formerly. At times there have been great shortages of labor and our youth was eagerly sought as a source of employees. The effect upon family life of the great suburban developments with their attendant shopping centers and allied activities have made part-time employment available to a greatly increased number of our youth. Our school system has generally gone from an eleven-year to a twelve-year system and this has had the effect, during school months, of reducing the youthful labor pool. A review of the manifold changes which have taken place is not possible within the compass of this report but the two matters dealt with generally above indicate the nature of the sweeping changes which have taken place and which are still going on. Our children must be protected from hazardous employment, their education must not be impaired by work opportunities, their work should not expose them to harmful influences and yet, the family in poor economic circumstances may require employment for one or more of its children while other families seek to promote the virtues of gainful employment and thrift. The balancing of these objectives is the purpose of this report.

The Council believes that the desired balance can be obtained through changes in the existing laws related to the employment of children. We have embodied the changes which we believe desirable in two bills which are attached and made a part of this report.

Specific Recommendations and Reasons Therefor

§ 16.1-158. We recommend that Paragraph (6) of § 158 of Title 16.1 of the Code of Virginia be rewritten so as to limit the children to whom the judges of Juvenile Courts can issue work permits to those over whom the court has jurisdiction. We further recommend that such permits shall conform, except as to the age of the child, to the provisions of Chapter 5 of Title 40 of the Code. We feel that this will serve to standardize conditions under which children are allowed to work, except in circumstances where special problems are involved which place the judge in a position of preeminent qualification to make decisions in the best interest of the child.

§ 40-96. We recommend that language be deleted from § 40-96 of the Code which allows children under 16 years of age to be employed in separate rooms from food processing in canneries. We so recommend because such work is in conflict with federal law which governs this field.

§ 40-97. We recommend that § 40-97 be changed to allow 16 and 17 year old boys to begin work as early at 5:00 A. M. rather than at 7:00 A. M. as present law requires. Present law provides that 14 and 15 year old newspaper carriers may begin work at 5:00 A. M. It seems reasonable, therefore, that 16 and 17 year old boys can begin work at 5:00 A. M. without great hazard. In doing so they will have broader opportunities for employment.

We further recommend that language in this section, which provides that a 14 or 15 year old minor certified with a vacation part-time employment certificate may be employed as late as 10:00 P. M. on days not followed by a school day, be removed from the law and replaced by a provision which would allow such a minor to be so employed only when his district superintendent of schools, or where there is none, the delegate of the State Superintendent of Public Instruction, approves a work application for such child. The exception provided under present law presents too great a physical and moral hazard to warrant its continuance in general effect. But in many cases such employment may be entirely proper, and these should be provided for.

Since §§ 40-109 and 40-110 do not relate to the hours of work of minors, we suggest reference to these sections be deleted and that § 40-118, which relates to hours of work of newspaper carriers, be added to the list of exceptions.

The last change which we propose for this section is that the word "day" be defined as any period of twenty-four consecutive hours and the word "week" as any seven consecutive days. These definitions are consistent with federal law and will leave no exploitable doubt as to these time elements. However, provision should be made for occasional employment in excess of the general limitation in case of shift changes.

§ 40-100. We recommend that § 40-100 be changed by deleting the second paragraph, which provides for a transfer system for employment certificates between bowling alleys and between motion picture theaters. We make this recommendation first because this provision of the law has not been utilized and second, because if it were utilized it would be impossible to supervise or to enforce.

§ 40-100.4:1. We recommend creation of a new section, 40-100.4:1, which will contain regulations governing the employment of a child

under the work training certificates provided in § 40-100.4. These regulations will apply where the employment requires such child to operate power-driven woodworking, metal-forming, punching or shearing machines or power-driven paper products machines. The regulations will provide that the work must be merely incidental to the training afforded the child; that safety instruction be given; that training be organized and that a written agreement to this effect be signed by the employer and the child's coordinator of schools and filed with the Department of Labor and Industry. The section provides that work training certificates may be revoked at any time when it appears that reasonable precautions for the safety of the child have not been observed. We believe that by granting exceptions for employment of minors in work training type programs greater work opportunity can be provided for many minors who are eager to learn trades under a student learner plan. We believe that this new section will provide a wholesome environment in which a minor can receive credit for on-the-job training along with his other school work. § 40-100.4:1 generally parallels federal law which governs industries engaged in interstate commerce.

§ 40-101. It is recommended that § 40-101 be modified by deleting in the first sentence of the section the language giving the chief school attendance officer or his agent the responsibility of issuing employment certificates. The effect of this deletion will be to place the full responsibility of issuance on the division superintendent of schools or his designated agent. We so recommend since many areas of the State have no chief school attendance officer and the designation of issuing officers should be consistent throughout the State so as to enable division superintendents of schools to exercise full authority and responsibility. We further recommend that this section be altered so as to limit the number of persons granting work permits to one, designated by the division superintendent of schools, in every county or city. This will establish responsibility and bring about more efficient administration. We would further require the issuing officer to retain only his copy of the employment certificate. All other papers concerning each individual certification should be mailed to the Commissioner of Labor by the end of the week in which the certificate is issued. There it can be reviewed and if proper approved. The Commissioner of Labor will file and preserve each certificate and document. These changes, we are convinced, will aid in the administration of the laws throughout the year by centralizing responsibility.

§ 40-102. We recommend that paragraph (4) of § 40-102 be deleted in its entirety since it appears that the requirement of an employed child's school record is of no particular use to the Department of Labor and Industry in its administration of the law.

§ 40-104. We recommend that § 40-104 be changed so as to require that a child, seeking a work certificate, must be thoroughly examined by a physician within a period of thirty days rather than as now within a period of ten days prior to his application for a work permit. The Council feels that a period of ten days in many cases is too short a time for arranging a physical fitness examination. A thirty day period would be more convenient for all parties concerned and still would safeguard the children.

§ 40-105. We recommend that § 40-105 be amended so as to require employment certificates to show the date of expiration as well as the date of issuance. This would allow employers to know specifically the duration and validity of a certificate.

§ 40-106. We recommend that § 40-106 be amended so as to make its provisions reflect the changes in § 40-101 which require all papers concerning a single certification to be mailed to the Commissioner of Labor with the exception of the issuing officer's copy of the employment certificate. Reports by the employer should be sent to the Commissioner of Labor rather than to the issuing officer as is presently required.

§ 40-107. We recommend that the requirement in § 40-107 that an employment certificate be invalid after twelve months from the date of issue be changed to read twelve months from the date of the physical fitness examination. We further recommend that § 40-102 be changed by deleting in paragraph 3 the words "issued within the preceding twelve months". This deletion will bring the section into line with § 40-107. This change will guarantee that an employed child will be checked physically once a year.

§ 40-108. In § 40-108 we recommend that a minimum age of 16 for boys and 18 for girls be required for minors employed as messengers by interstate communication companies or services. The present law allows boys 14 and girls 18 to be so employed. We further recommend that boys 16 and girls 18 be allowed to work as early as 5:00 A. M. and as late as midnight in such employment. The present law makes the minimum 21 for girls and 18 for boys and permits employment only to 10:00 P. M. These changes will bring the State law into concert with the federal law, which prevails in interstate commerce.

§ 40-109. In § 40-109 we recommend that in paragraph (1) quarries be included among those areas in which children under 18 years of age shall be forbidden to work. The word "quarries" is included so that the child labor law will be consistent with the State mining laws. The section is further modified to provide that children under 18 shall not be employed to operate or assist in operating any passenger or freight elevator; however children 16 or above may operate automatic passenger elevators in the course of their employment. We recommend that no child under 16 shall operate an automatic elevator as his primary employment. It is felt that with the advent of more and more automatic elevators, specific mention of them should be made in the statutes.

We recommend that children 16 years of age and older who are serving a voluntary apprenticeship as provided in Chapter 6 of Title 40 may operate, oil or assist in operating, oiling, wiping and cleaning dangerous machinery. We make this recommendation since it seems worthwhile to encourage this type of program and federal law provides these exceptions in the case of apprentices.

We recommend that no child under 18 be employed to deliver alcoholic goods. We believe that the delivery of alcoholic goods presents too great a moral hazard to be tolerated.

We have in our recommendations rewritten paragraph (2) of this section so as to require that no child under eighteen shall be employed as an X-ray technician or operator or in any capacity in or about excavation or demolition operations; or in operating or assisting in operating any power-driven or power-drawn mower on public or commercial property. The section does allow boys 16 and over to operate power-driven, push type, reel lawnmowers. It prohibits boys under 16 and girls under 18 from employment in an undertaking establishment or funeral home or on scaffolding work or in construction trades, brick, coal, or lumber yards or

in ice plants. This section allows children 14 or over to work in purely office type duties in these establishments, however.

The amendment further provides that no boy under 16 and no girl under 18, except as otherwise provided in the chapter, shall be employed in theaters, concert halls, cabarets, clubs, carnivals, floor shows, pool halls, bowling alleys or places of amusement or in hotels, restaurants as defined in § 35-25, road houses or in curb service, dry cleaning establishments, laundries, or parking lots. We further recommend that no child under 16 years of age shall be employed in hospitals, clinics, or other establishments providing care for resident patients, as a laboratory helper, orderly, or nurses' aide, nor shall such children be employed in any dance studio, warehouse, other than a tobacco sales warehouse or veterinary establishment nor as a bait attendant on any boat, pier, or place in which boats are let for hire. An exception is made for boys 14 and older, allowing them to serve as bait boys. In all of the above cases it is felt that the moral or physical hazard involved more than outweighs any benefit which the minor might obtain from such employment. We recommend further that no boy under 16 years of age and no girl under 18 be employed as a driver or helper of a truck or commercial vehicle. A boy 16 or older may be employed as a driver on a truck or commercial vehicle having a licensed gross weight of two tons or less. We feel that these provisions are an apt adjustment of age and ability to the physical abilities and emotional maturity required in commercial driving.

The provisions of this section are clearly set out as not applying to the drivers of school buses, since special care is used in selecting these individuals.

The section distinguishes food service establishments operated by a school or college, where a child enrolled therein is employed, from a restaurant.

§ 40-110. We recommend that § 40-110 be amended to include the words "permitted or suffered to participate" as well as the word "employed" in describing the possible conditions surrounding the appearance of a child in a drama, parade, performance, concert or any entertainment. We suggest these changes because present law only covers the minor in theatrical or public performances if he is "employed". We recommend that these words be used in conjunction with "employ" in order to clarify the conditions of appearance. We also recommend that a provision be added to provide that no work permit shall be required for a non-profit dance or musical recital or television or radio broadcast in which the children participating are selected from the audience. The Council feels that it is not desirable to interfere with non-profit dance or musical recitals, or television or radio broadcasts where children are selected from the audience. Therefore we feel that this should be clearly set apart in the law.

§ 40-111. We recommend that § 40-111 be changed to require that all applications for theatrical permits be filed with the Commissioner of Labor five days before the date of such performance. We make this recommendation to assure that such performances are certified by the Commissioner of Labor and in advance of the theatrical or public performance. This represents a necessary precaution to insure the best interest of the involved minors.

§ 40-114. This section should be rewritten so as to delete the reference to other outdoor employment, which is too indefinite. We further recommend that messengers whose duties are not performed inside commercial establishments be included under this section. We have made these recommendations because self-employment for youngsters has been increasingly on the wane with the growth of large commercial establishments. We feel that the law should be specific in the instances covered by this section.

We further recommend that 7:00 P. M. be changed to one-half hour after sunset as the latest hour in the evening to which boys between 12 and 16 will be allowed to work. We do this because of the difference between the hours of daylight in summer and in winter.

Since this section requires only a work permit badge we further recommend that its provisions not apply to any boy in a case where the duties of his occupation are performed at the direction and under the supervision of an employer. If the duties are performed at the direction of an employer, an employment certificate should be required.

§ 40-116. This section should be amended to provide that the expiration date of work permit badges shall be one year from the date of the required physical fitness examination rather than at the end of each calendar year. We recommend this to make § 40-116 consistent with employment certificate renewal requirements. We suggest that the requirement that a second badge, if the first is lost, be paid for, be deleted, as the cost of handling this money is greater than any gain derived by the State. We also suggest the deletion of the requirement that a complete record of badges issued and refused and the facts relating thereto be kept by the issuing officer. This provision has proved of no value in the administration of the law.

§ 40-118. This section should be changed to require that satisfactory proof of age be furnished by boys seeking a certificate to carry papers. The revised section makes it mandatory that boys carry such certificate on their person at all times when engaged in newspaper carrying duties. No such certificate will be required of carriers in cities having a population of less than ten thousand or in counties having a population of less than ninety thousand which are not adjacent to cities having a population of more than ninety thousand. These changes have been made in order to prevent the employment of under-age newsboys and in recognition of the fact that a lesser hazard is present in communities of a substantially rural nature, and because it is realized that in remote rural areas enforcement of the provisions of this section would not be practical.

Workmen's Compensation Coverage

In addition to the foregoing problems for which we have arrived at specific recommendations, the Council is concerned over the problem of minors employed in jobs not covered by Workmen's Compensation Insurance. The major cases in which minors lack such coverage are in employment by employers having less than seven employees. Unfortunately, some of the most serious accidents take place in these uncovered jobs. In many cases the employer is not financially able to provide for the needs of the injured minor. In other cases, he is unwilling to do so. The result often in either situation is personal tragedy and an additional burden upon the welfare agencies of the State.

There was not sufficient time to undertake the study which would be necessary to properly evaluate these problems and find an appropriate remedy. We do feel, however, that the problem is of sufficient magnitude to justify further study. We, therefore, respectfully submit as part of this report the suggestion that a further study be conducted looking toward corrective legislation in this field.

CONCLUSION

We believe that these recommendations will serve to strengthen Virginia's law to meet changing economic and social conditions. We are convinced that they will be beneficial in achieving the balance between useful and educational employment and the welfare and safety of Virginia's children.

Respectfully submitted,

JOHN H. DANIEL, Chairman
ROBERT Y. BUTTON, Vice-Chairman
C. W. CLEATON
JOHN WARREN COOKE
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CHARLES R. FENWICK
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A BILL to amend and reenact §§ 40-96 and 40-97, as amended, 40-100, 40-101, 40-102, 40-104 as amended, 40-105, 40-106, 40-107, 40-108, 40-109 as amended, 40-110, 40-111, 40-114, 40-116 and 40-118 of the Code of Virginia, all relating to employment of children, and to amend the Code of Virginia by adding a section numbered 40-100.4:1 to prescribe the conditions for employment of children pursuant to a work-training certificate in certain cases; and to repeal § 40-100.6, relating to school and part-time certificates.

Be it enacted by the General Assembly of Virginia:

1. That §§ 40-96 and 40-97 as amended, 40-100, 40-101, 40-102, 40-104 as amended, 40-105, 40-106, 40-107, 40-108, 40-109 as amended, 40-110, 40-111, 40-114, 40-116 and 40-118 of the Code of Virginia be amended and reenacted and that the Code of Virginia be amended by adding a section numbered 40-100.4:1 as follows:

§ 40-96. No child under fourteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except farm work performed outside of school hours with the consent of the child's parent or guardian, and except as specified in this chapter.

No child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation during schools hours, unless he has completed high school, or unless he has reached the age of fourteen and a provisional employment certificate has been issued for his employment as provided in § 40-100.5, or unless he has reached the age of fourteen and is enrolled in a regular school work-training program and a work-training certificate has been issued for his employment as provided in § 40-100.4. *

No child under sixteen years of age shall be employed, permitted or suffered to work in any manufacturing or mechanical establishment or commercial cannery at any time, except in purely office work *. Nothing in the preceding sentence shall be construed as applying to community non-commercial packing or canning establishments and nothing in this or the following section shall be construed as qualifying the provisions of §§ 40-109, 40-110 or 40-111.

§ 40-97. Except as provided in §§ 40-108, * 40-111; 40-114 and 40-118, no child under eighteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation:

(1) More than six days in any one week, except on farms, orchards or in gardens;

(2) More than forty hours in any one week;

(3) More than eight hours in any one day; nor

(4) Before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening, except on farms, in orchards or in gardens*; *provided that boys over fifteen years of age may be employed after the hour of five o'clock in the morning; provided further that boys and girls fourteen and fifteen years of age may be employed after the hour of seven o'clock in the morning and may work as late as ten o'clock in the evening on any day not followed by a school day if the superintendent of schools of the county or city of residence of such child, or if there is none then a person*

designated by the State Superintendent of Public Instruction, approves the application of any such child; provided finally that when the local superintendent of schools or the person designated by the Superintendent of Public Instruction permits such work he shall set out his reasons in full in writing for so doing and send a copy thereof with a copy of the work permit to the Commissioner of Labor and Industry.

Boys sixteen and seventeen years of age may be employed until midnight, and girls of such age who are enrolled in school may be employed until ten o'clock in the evening, and girls of such age who are not enrolled in school may be employed until eleven o'clock in the evening.

No child under eighteen years of age shall be employed or permitted to work for more than five hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

For the purposes of this chapter the word "day" shall be construed to mean any period of twenty-four consecutive hours. The word "week" shall be construed to mean any seven consecutive days. Provided, however, that nothing in this section shall be construed to prohibit an employee from working after an unbroken rest period of eight hours in connection with shift changes, occurring not oftener than once in any work week.

§ 40-100. No child under eighteen years of age shall be employed, permitted or suffered to work, in, about or in connection with any gainful occupation with the exception of work on farms, orchards and in gardens, and except as provided in §§ 40-108 to 40-111 and 40-114, unless the person, firm or corporation employing such child, procures and keeps on file and accessible to any school attendance officer, inspector of labor or other authorized person, charged with the enforcement of this chapter, the employment certificate as hereinafter provided, issued for such child.

*

§ 40-100.4:1. No child shall be employed pursuant to a work-training certificate as provided in § 40-100.4 where such employment requires such child to operate power-driven woodworking, metal forming, punching or shearing machines or power driven paper product machines unless such employment shall be pursuant to a written agreement which shall provide: (1) that the work of such child shall be incidental to his training, shall be intermittent and for short periods of time and shall be under the direct and close supervision of a competent and experienced person; (2) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (3) that a schedule of organized and progressive work processes to be performed shall have been prepared. Such written agreement shall set forth the name of the child so employed and shall be signed by the employer and the coordinator of schools having jurisdiction. Copies of such agreement shall be retained by the school and the employer, and a copy thereof shall be filed with the Department of Labor and Industry.

Any such work-training certificate may be revoked at any time that it shall appear that reasonable precautions for the safety of such child have not been observed.

§ 40-101. Employment certificates shall be issued only by * the division superintendent of schools, or by any person designated by him in the city * or county in which the child is to be employed and only upon application in person of the child desiring employment, accompanied by the parent, guardian or custodian of such child, provided that in the case

of a child sixteen or seventeen years of age, the written consent of the child's parent, guardian or custodian may be presented in lieu of the personal appearance of such parent, guardian or custodian. * The division superintendent of schools shall designate one * person to grant such permits in every city * or county. The person issuing such certificate shall have authority to administer the oath provided for therein, or to make any investigation or examination necessary for the issuance thereof. No fee shall be charged for issuing any such certificate nor for administering any oath or rendering any services in respect thereto. The officer issuing the certificate shall * *retain a copy of each such certificate and all documents connected therewith shall be mailed to the Commissioner of Labor by the end of the week in which the same shall have been issued for review and approval. The Commissioner of Labor shall file and preserve such certificates and documents.*

§ 40-102. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers:

(1) Except for work on farms or orchards or in gardens, a statement signed by the prospective employer, or some one duly authorized on his behalf, stating that he expects to give such child present employment, setting forth the specific nature of the occupation in which he intends to employ such child, and the number of hours per day and of days per week which said child shall be employed and the daily time of the beginning and ending of such employment and of the period for lunch, and agreeing to send the notice of the commencement of employment and to return the certificate according to the provisions of this chapter.

(2) Proof of age as provided in § 40-103.

(3) A certificate of physical fitness as provided in § 40-104.*

§ 40-104. The certificate of physical fitness required by this chapter shall be signed by a public health, school, or other physician, and shall be on a form approved by the State Department of Health. It shall show height and weight of the child and shall state that the child has been thoroughly examined by the physician within a period of * *thirty* days and has been found to be of normal development for a child of his age, is in sound health, and is physically qualified for the type of employment specified in the statement submitted by the employer.

§ 40-105. The employment certificate required to be issued shall state the name, sex, color, date of birth and place of residence of the child. It shall certify that all the conditions and requirements for issuing an employment certificate under the provisions of this chapter have been fulfilled and shall be signed by the person issuing it. It shall state the kind of evidence of age accepted for the employment certificate. Except for work on farms or orchards or in gardens, the certificate shall show the name and address of the employer for whom and the nature of the specific occupation in which the employment certificate authorizes the child to be employed and shall be valid only for the occupation so designated. It shall bear a number, shall show the date of its issue *and the date of its expiration*, and shall be signed by the child for whom it is issued in the presence of the person issuing it. It shall be issued in triplicate, one copy to be mailed to the employer, one copy to be sent to the Commissioner of Labor and one copy to be retained and kept on file by the issuing officer.

§ 40-106. Every employer receiving an employment certificate shall notify the * *Commissioner of Labor* within seven days of the time of the commencement of the employment of such child and within seven days

after the termination of the employment shall return the certificate to the * *Commissioner of Labor*. Failure so to notify shall be cause for the cancellation of the certificate; and failure so to return it shall be cause for the refusal of further certificates upon the application of such employer.*

§ 40-107. An employment certificate shall be invalid after twelve months from date of * *physical fitness examination* unless there shall have been filed with the issuing officer a new certificate of physical fitness as provided for in § 40-104.

§ 40-108. No male under * *sixteen* years of age and no female under eighteen years of age shall be employed, permitted or suffered to work as a messenger for any telegraph or * *interstate communication company or service* in the distribution, transmission or delivery of goods or messages at any time. No male under * *sixteen* years of age and no girl under * *eighteen* years of age shall be employed, permitted or suffered to work as a messenger for any telegraph or * *interstate communication company or service* in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after * *midnight* of any day. In case of emergency only, a boy of legal age may be employed for not more than three days as such a messenger without an employment certificate, provided that the employer immediately files a notice of such employment with the person authorized to issue an employment certificate to such boy.

§ 40-109. (A) No child under eighteen years of age shall:

(1) Be employed, permitted or suffered to work in any mine, *quarry*, tunnel, underground scaffolding work or handling explosives;

(2) *Be employed to operate or assist in operating any dangerous machinery or passenger or freight elevator provided, however, that children sixteen years of age and older may, in the course of their employment, operate automatic passenger elevators. No child under sixteen shall operate an automatic elevator as his primary employment;*

(3) *Oil or assist in oiling, wiping and cleaning any such machinery, except as provided in § 40-100.4:1; provided further, however, that children sixteen years of age and older who are serving a voluntary apprenticeship as provided in Chapter 6 of this title may operate, oil or assist in operating, oiling, wiping and cleaning such machinery;*

(4) Be employed in any capacity in preparing any composition in which dangerous or poisonous chemicals are used;*

(5) Be employed in any capacity in the manufacturing of paints, colors or white lead, or in any place where goods of alcoholic content are manufactured, bottled, or sold for consumption on the premises except in places where the sale of alcoholic beverages is merely incidental to the main business actually conducted,* *or employed to deliver alcoholic goods;*

(6) *Be employed as an X-ray technician or as an operator of X-ray equipment;*

(7) *Be employed in any capacity in or about excavation or demolition operations;*

(8) *Operate or assist in operating any power driven or power drawn mower on public or commercial property, except boys sixteen years of age or over may operate power driven, push type reel lawnmowers.*

(B) *No boy under sixteen and no girl under eighteen years of age shall:*

(1) *Be employed in any undertaking establishment or funeral home;*

(2) *Be employed, permitted or suffered to work in any scaffolding work or construction trades or in any brick, coal or lumber yard or ice plant; provided, however, that this section shall not apply to children fourteen and over who are engaged in purely office work of a clerical nature;*

(3) *Except as otherwise provided in this chapter, be employed, permitted or suffered to work in any theater, concert hall, cabaret, club, carnival, floor show, pool hall, bowling alley, or place of amusement, or in any hotel, restaurant as defined in § 35-25, roadhouse or in curb service or in any dry cleaning establishment or laundry or parking lot.*

(4) *Be employed as a driver or helper on a truck or commercial vehicle.*

(C) *No child under sixteen years of age shall:*

(1) *Be employed in any hospital, clinic, or other establishment providing care for resident patients as a laboratory helper, orderly or nurses' aide;*

(2) *Be employed in any dance studio or warehouse, other than a tobacco sales warehouse, or by any veterinarian;*

(3) *Be employed as a bait attendant on any boat, pier or place at which boats are let for hire except boys fourteen years of age and older.*

(D) *No child under eighteen years of age shall: be employed as a driver on any truck or commercial vehicle provided that a boy sixteen years of age or older may be employed as a driver on a truck or commercial vehicle having a licensed gross weight of two tons or less. The provisions of this paragraph shall not apply to the drivers of school buses.*

The provisions of this section shall not apply to children employed by dry cleaning or laundry establishments where such children are engaged in purely office work, or where they are employed in branch stores where no processing is done, or employed by concessionaires operating on beaches * where the duties and work of such children pertain to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach equipment; nor shall such provisions apply to girls sixteen years or more of age employed in the lighted lobby of offices, but not as ushers, in a motion picture theatre, but this exception shall not apply to outdoor theatres. For the purposes of this section the definition of restaurant shall be deemed not to include a food service establishment operated by or in conjunction with a school or college where a child employed therein is enrolled as a pupil at such school or college. Boys fourteen and over may be employed in restaurants, and girls sixteen and over may be employed for a period not exceeding four months in a calendar year in restaurants operated in conjunction with a hotel subject to regulation by the State Board of Health under Title 35 of the Code, which is operated on a seasonal basis, and girls sixteen and over who qualify for general or school work training types of employment certificates for employment in restaurants may be employed in restaurants and in hotel food service departments, but no such minor may be employed in hotel room service.

§ 40-110. * Notwithstanding the preceding section. * a boy under sixteen or a girl under eighteen years of age, whether a resident or non-resident of the State, may be employed, permitted or suffered to participate in the presentation of a drama, play, performance, concert or entertainment, provided the management of the theatre or other public place where

such performance is to be held in the State shall secure a permit from the Commissioner of Labor; *provided, however, that no such permit shall be required for any non-profit dance or music recital, nor for any television or radio broadcast in which the children participating therein are selected from the audience.*

§ 40-111. No permit shall be issued unless the Commissioner of Labor is satisfied that the environment in which the drama, play, performance, concert or entertainment is to be produced is a proper environment for the child and that the conditions of such employment are not detrimental to the health or morals of such child and that the child's education will not be neglected or hampered by its participation in such drama, play, performance, concert or entertainment. Applications for permits and every permit granted shall specify the name, age and sex of each child, together with such other facts as may be necessary for the proper identification of each child and the dates when, and the theatres or other places of amusement in which such drama, play, performance, concert or entertainment is to be produced and shall specify the name of the drama, play, performance, concert or entertainment in which each child is permitted to participate. *Such application shall be filed with the Commissioner not less than five days before the date of such drama, play, performance, concert or entertainment.* A permit shall be revocable by the Commissioner of Labor should it be found that the environment in which the drama, play, performance, concert or entertainment is being produced is not a proper environment for the child and that the conditions of such employment are detrimental to the health or morals of such child. The Commissioner of Labor shall prescribe and supply the forms required for carrying out the provisions of this section.

§ 40-114. Any boy between twelve and sixteen years of age may engage in the occupation of (1) bootblackening, (2) *caddying*, (3) selling newspapers, magazines, periodicals or circulars which are by law permitted to be distributed and sold, (4) running errands or delivering parcels, or * *messages where none of the duties of such occupation are to be performed inside any commercial establishment, and provided all such employment shall be at such hours between six o'clock ante meridian and * one-half hour after sunset as the public schools are not in session, provided such boy procures and carries on his person a badge as hereinafter provided.*

The provisions of this section shall not apply to any such boy in any case where the duties of his occupation are performed at the direction and under the supervision of an employer, in which event an employment certificate shall be required.

§ 40-116. Such badge as is required by § 40-114 shall be issued by the same person authorized to issue an employment certificate and upon compliance with all the requirements for the issuance of an employment certificate. It shall bear a number and on its reverse side shall bear the address and date of birth of the child in whose name it is issued. It shall be signed on such reverse side by such child in the presence of the person issuing it. No charge shall be made for the use of * *such badge* *.

All badges shall be renewed * *annually on the anniversary date of the physical fitness examination of such child.*

§ 40-118. Any boy between twelve and fourteen years of age may engage in the occupation of distributing newspapers on regularly established routes between the hours specified in § 40-114 and any boy between fourteen and sixteen years of age may engage in such occupation between

the hours of five o'clock ante meridian and seven o'clock post meridian, in either case excluding the time the public schools are actually in session. Such carrier boys shall not be required to procure or carry a badge, but in lieu thereof the publisher of the newspaper which he delivers on such route shall report the names, ages, addresses, and the school attended, of such boys to the person authorized to issue employment certificates under the provisions of this chapter, and thereupon, if it appears that such boy is physically fit either from his school health record or from a certificate of physical fitness signed by a public health or school physician *and that satisfactory proof of age has been furnished*, a certificate shall be issued to such carrier boy and shall remain in effect so long as in the opinion of the division superintendent his school record indicates that his school work is compatible with such occupation. *Such carrier boy shall carry such certificate on his person at all times that he is engaged in his duties. No such certificate shall be required of any carrier boy so employed in any city having a population of less than ten thousand or in any county, having a population of less than ninety thousand and which is not adjacent to any city having a population of more than ninety thousand.*

2. That § 40-100.6 of the Code of Virginia be repealed.

A BILL to amend and reenact § 16.1-158 of the Code of Virginia relating to jurisdiction of juvenile courts.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-158 of the Code of Virginia be amended and reenacted as follows:

§ 16.1-158. The judges of the juvenile court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the corporate limits of such cities. Except as hereinafter provided, each juvenile and domestic relations court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the corporate limits of said city, concurrent jurisdiction with the juvenile court or courts of the adjoining county or counties over all cases, matters and proceedings involving:

(1) The custody, support, control or disposition of a child:

(a) whose parent or other person legally responsible for the care and support of such child is unable, or neglects or refuses when able so to do, to provide proper or necessary support, education as required by law, or medical, surgical or other care necessary for his well being;

(b) who is without proper parental care, custody or guardianship;

(c) who is abandoned by his parent or other custodian;

(d) whose parent or parents or custodian for good cause desire to be relieved of his care and custody;

(e) whose custody or support is a subject of controversy, provided, however, that in such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-161 hereof;

(f) whose occupation, behavior, environment, condition, association, habits or practices are injurious to his welfare;

(g) who deserts or is a fugitive from his home, or who is habitually disobedient or beyond the control of his parents or other custodian, or is incorrigible;

(h) who being required by law or his parents or custodian to attend school is a willful and habitual truant therefrom;

(i) who violates any State or federal law, or any municipal or county ordinance; provided, however, that in violation of federal law jurisdiction in such cases shall be concurrent and shall be assumed only if waived by the federal court;

(j) whose condition or situation is alleged to be such that his welfare demands adjudication as to his disposition, control and custody, provided that jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction, as provided in § 16.1-161 hereof.

(2) The commitment of a mentally defective or mentally disordered child who is within the purview of this law. Such commitment shall be in accordance with the provisions of chapters 3 (§ 37-61 et seq.), 6 (§ 37-154 et seq.) and 7 (§ 37-176 et seq.) of Title 37 of the Code.

(3) Judicial consent to the marriage of a child or minor, or for his enlistment in the armed forces, or for surgical or medical treatment for a child, who has been separated from his parents or guardian and is in the custody of the court when such consent is required by law.

(4) A minor who is charged with having violated, prior to the time he became eighteen years of age, any State or federal law, municipal or county ordinance, provided that jurisdiction in federal offenses shall be concurrent with federal courts and shall be assumed only if waived by the federal court. Such minor shall be dealt with under the provisions of this law relating to juveniles.

(5) An adult or a person sixteen years of age or over charged with deserting, abandoning or failing to provide support for any person in violation of law.

(6) The enforcement of any law, regulation, or ordinance for the education, protection or care of children; provided, that in any case where a child *over whom the court has jurisdiction* is not qualified to obtain a work permit under other provisions of law, the court may, whenever the judge thereof in his sound judicial discretion deems it for the best interest of such child, grant a special work permit to such child, which permit shall be on forms furnished by the Department of Labor and Industry, but any special work permit granted pursuant to this authority shall be valid only for the employment for which it is issued, and may be restricted in any other manner, or cancelled at any time, by the court which granted the permit; *and such permit shall conform, except as to the age of the child, to the provisions of Chapter 5 of Title 40 of this Code.*

The court shall forthwith transmit a copy of such permit to the Department of Labor and Industry, and shall likewise notify said Department of any subsequent restriction or cancellation of such permit.

(7) The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law which causes or tends to cause a child to come within the purview of this law, or with any other offense against a child except murder and manslaughter; provided, that in prosecution for other felonies over which the court shall have jurisdiction, such jurisdiction shall be limited to that of examining magistrate.

(8) All offenses except murder and manslaughter committed by one member of the family against another member of the family; and the trial of all criminal warrants in which one member of the family is complainant against another member of the family, provided, that in prosecution for other felonies over which the court shall have jurisdiction, said jurisdiction shall be limited to that of examining magistrate. The word "family" as herein used shall be construed to include husband and wife, parent and child, brothers and sisters, grandparent and grandchild; and

(9) Any violation of law the effect or tendency of which is to cause or contribute in any way to the disruption of marital relations or a home.

