

**REPORT OF THE JOINT SUBCOMMITTEE  
STUDYING CONFLICTS EXISTING BETWEEN  
FEDERAL AND STATE CHILD LABOR LAWS  
TO  
THE GOVERNOR  
AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 34**

**COMMONWEALTH OF VIRGINIA  
DIVISION OF PURCHASES AND SUPPLY  
RICHMOND  
1979**



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**Report of the Joint Subcommittee**

**Studying Conflicts Existing Between**

**Federal and State Child Labor Laws**

**To**

**The Governor and the General Assembly of Virginia**

**Richmond, Virginia**

**January, 1979**

To: Honorable John N. Dalton, Governor of Virginia

and

The General Assembly of Virginia

**Introduction**

The Joint Subcommittee Studying Conflicts Existing Between Federal and State Child Labor Laws was established pursuant to House Joint Resolution No. 78 of 1978.

**HOUSE JOINT RESOLUTION NO. 78**

Requesting the Labor and Commerce Committee of the House of Delegates and the Commerce and Labor Committee of the Senate to create a joint subcommittee to study and report on conflicts in State and federal child labor laws.

WHEREAS, there are thousands of youthful job seekers in Virginia today and a severely limited job market for youth; and

WHEREAS, it has long been recognized that employment provides valuable experience and earnings for youth which might not be received otherwise; and

WHEREAS, many of the child labor laws originally established to protect youth from dangerous work environments and insure the chance for education presently function to their detriment; and

WHEREAS, Virginia child labor regulations conflict in many areas with federal standards; and

WHEREAS, employers are often in violation of one set of regulations while in complete compliance with the other; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Labor and Commerce Committee of the House of Delegates and the Commerce and Labor Committee of the Senate are hereby requested to appoint a joint subcommittee from the membership of the respective committees to conduct a joint study of the conflicts existing between the State and federal child labor laws and submit a report to the Governor and General Assembly with recommendations to resolve such conflicts and end unnecessary restrictions and barriers to youthful job seekers.

The joint subcommittee shall complete its study and make its report on or before December one, nineteen hundred seventy-eight. All agencies of the Commonwealth shall assist the joint subcommittee in its study.

George H. Heilig, Jr. of Norfolk, a member of the House of Delegates of Virginia, was elected Chairman of the Joint Subcommittee. Also appointed to serve from the House were Frederick H. Creekmore of Chesapeake, Calvin W. Fowler of Danville, Bonnie L. Paul of Harrisonburg, Eva F. Scott of Church Road, and Claude V. Swanson of Gretna.

Appointed to serve from the Senate were Clive L. DuVal, 2d. of McLean, Madison E. Marye of Shawsville, and Elliot S. Schewel of Lynchburg.

C. William Cramme, III, and Hugh P. Fisher, III, of the Division of Legislative Services served as legal and research staff to the Subcommittee.

The Subcommittee met three times during the course of its study. Meetings were held on September 13, October 12, and December 21, 1978. Key witnesses spoke before the Subcommittee at each meeting. The following groups were well represented at the meetings: The State Department of Labor and Industry; The State Division for Children; The Richmond Office of the U. S. Department of Labor; and The Virginia Department of Education.

### **Work of the Subcommittee**

During the course of its study, the Subcommittee heard testimony concerning the need to change those State child labor laws applying to sixteen and seventeen year old minors. The following three approaches to changing those laws were explained by various interested parties:

(1) The law should be amended so that juvenile judges would have discretionary authority to vary the restrictions and conditions of Chapter 5 of Title 40.1 in issuing special work permits to minors sixteen and seventeen years of age when the judges feel that such minors should be employed. Legislation to effect this change in the law is included as Appendix I at the end of this report.

(2) The law should be amended so that juvenile judges would have authority to vary the restrictions pertaining to the hours of work in issuing work permits to minors sixteen and seventeen years of age when they determine that it is in the best interest of such minors and that there is good cause to grant such variances. Legislation to effect this change in the law is included as Appendix II at the end of this report.

(3) The child labor laws for sixteen and seventeen year olds should be revised so that they track the federal law. Legislation to effect this change in the law is included as Appendix III at the end of this report.

In addition to considering the three alternative ways of changing the State's child labor laws applying to sixteen and seventeen year olds, the Subcommittee also heard extensive testimony concerning the need to leave unchanged those child labor laws affecting twelve, thirteen, fourteen, and fifteen year olds.

### **Consideration of the Three Alternatives Which Would Affect Sixteen and Seventeen Year Olds.**

One way to change the Commonwealth's laws applying to sixteen and seventeen year olds was explained by Robert F. Ward, a Juvenile and Domestic Relations Court Judge from the 22nd Judicial District. Judge Ward told the study group that juvenile judges should have discretionary authority to issue special work permits to minors sixteen and seventeen years of age when the judges believe that such minors should be employed. He pointed out that this approach would allow juvenile judges to issue special work permits to minors of those ages when the judges feel such permits are justified, yet it would not allow all minors of those ages to obtain the permits. This approach would allow the juvenile judge to vary the restrictions pertaining to the hours of work and to the type of occupation which the law presently places on sixteen and seventeen year olds. However, the Subcommittee realized that legislation effecting this change would still be in conflict with federal

law because of the restrictions which the federal law places on sixteen and seventeen year olds working in defined hazardous occupations. Also, such legislation would not resolve the conflict currently existing with federal law, because federal authorities do not recognize State work permits. The Subcommittee also felt that this legislation may be too broad in its grant of authority to the juvenile judge.

As a result of its considerations of the first alternative, the Subcommittee reviewed a second approach which would allow the juvenile judge to vary only those restrictions pertaining to the hours of work of sixteen and seventeen year olds. Under this approach the judge would still be bound by the restrictions pertaining to hazardous occupations which forbid the employment of minors under eighteen years of age. This alternative, the Subcommittee felt, would be more compatible with the federal law, although the problem of recognition of State work permits by federal authorities would still exist.

In order to resolve the problem of recognition of State work permits, the Subcommittee considered a third alternative. This approach was stated by Robert F. Beard, Commissioner of the Virginia Department of Labor and Industry. Mr. Beard stated that while he does not necessarily endorse such an option, another alternative would be to revise the Commonwealth's labor laws for sixteen and seventeen year olds so that these laws track federal law. He noted that several states, including Tennessee, have rewritten their law to track federal law.

Mr. Beard added that there would be no work permits for sixteen and seventeen year olds under this alternative, since youths of these ages would simply be complying with federal law.

The Subcommittee felt that such a redraft of the present laws affecting sixteen and seventeen year olds would be more compatible with the federal law than the first two alternatives since, (1) no work permits would have to be issued a minor sixteen years of age or older, and (2) the provisions of the law relating to employment of minors in certain defined hazardous occupations would still apply to sixteen and seventeen year olds.

In reviewing this alternative, questions arose relating to the State's compulsory education laws and the employment of minors who are governed by those laws. The Subcommittee decided that the provisions of § 40.1-115 of the Code of Virginia are controlling. That section provides that no provision of the child labor laws "shall be construed as qualifying in any way the provisions of the compulsory education laws of Virginia, nor as authorizing the employment of any child who is absent unlawfully from school."

Also, the Subcommittee considered changing Virginia's child labor laws affecting minors twelve through fifteen years old. Such a change, when coupled with the third alternative discussed above, would resemble a complete tracking of the federal laws. The Subcommittee heard testimony from a representative of the State Division for Children who stated that research had been completed by the Division which indicated that should Virginia track completely the federal laws, there would be no adverse effect on employment opportunities for minors in the Commonwealth. The Subcommittee was aware that should legislation be enacted which tracked the federal law completely, much of the confusion present among the Commonwealth's employers regarding which set of child labor laws they should follow might be eliminated.

The Subcommittee received letters from juvenile judges around the State who agreed with revising, in some fashion, the laws affecting sixteen and seventeen year olds. However, those judges stated that the laws concerning minors under sixteen are satisfactory and, except in a few instances, are compatible with federal law and thus do not need revising.

### **Recommendations**

The Subcommittee offers the following recommendations:

(1) The Commonwealth's child labor laws affecting sixteen and seventeen year olds should be changed and revised to track the federal law. This would entail eliminating the State requirement that sixteen and seventeen year olds obtain work permits prior to commencing work. Under the suggested legislation, minors of those ages still would be required to furnish their prospective employers with employment certificates.

Also, sixteen and seventeen year old minors would not be subject to limitations and restrictions regarding the number of hours of work per day or the number of days of work per week. However, sixteen and seventeen year olds still would have to comply with the Commonwealth's compulsory education laws. So that State law complies with federal law, minors of those ages would be prohibited from being employed in those occupations deemed hazardous by the Secretary of Labor. The legislation necessary to effect these changes in the Code constitutes Appendix III of this report.

(2) There should be no substantial changes made to the Commonwealth's child labor laws affecting twelve, thirteen, fourteen and fifteen year olds.

### **Reasons for Recommendations**

The Subcommittee's first recommendation is that the Commonwealth's child labor laws affecting sixteen and seventeen year old minors should be changed and revised to track federal law. The Subcommittee believes a tracking of the federal law would eliminate much of the confusion present among some of the employers in the State regarding which set of child labor laws (federal or State) they should follow.

The Subcommittee also believes that there is no longer a need to require sixteen and seventeen year olds to obtain work permits prior to commencing work. Moreover, the Subcommittee feels that many minors of those ages need to work more hours a day, more hours a week and more days a week than the present statute authorizes.

The Subcommittee feels that by maintaining the prohibition against minors of those ages working in occupations classified as hazardous by the Secretary of Labor, such minors will be protected against certain job-related hazards in those occupations, and confusion on the part of employers will be eliminated due to the fact that State and federal law will be the same on this issue.

The Subcommittee's second recommendation is to leave unchanged the Commonwealth's child labor laws affecting twelve through fifteen year olds. During the course of its deliberations, the Subcommittee carefully considered the possibility of revising the State's child labor laws affecting twelve through fifteen year olds so that those laws would track the federal law.

However, the Subcommittee received testimony from several of the Commonwealth's juvenile and domestic relations court judges, as well as from the State Department of Education, urging that the State's present child labor laws for twelve through fifteen year olds be left unchanged. Those parties informed the Subcommittee that, in their opinions, a liberalizing of those laws might lead to poorer performances in school on the part of working minors of those ages. The judges and the Department of Education said that if the laws affecting minors of those ages were liberalized, such minors might work more hours per day and more days per week and, correspondingly, therefore, place less emphasis on their school work.

The Subcommittee was impressed by this argument; and since it certainly does not want to recommend any legislation which might lead to poorer performances in school on the part of twelve through fifteen year old minors, it feels that no substantial changes should be made to the child labor laws affecting such minors.

### **Conclusion**

The Subcommittee believes that by revising the Commonwealth's child labor laws which affect sixteen and seventeen year olds so that those laws track the federal law, much confusion present among some of the employers in the Commonwealth regarding which set of child labor laws (federal or State) they should follow would be eliminated.

On the other hand, the Subcommittee feels that there is no compelling reason to change those State child labor laws affecting twelve through fifteen year olds; and it recommends, therefore, that there be no substantial changes made to those laws.

Respectfully submitted,

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Frederick H. Creekmore

Calvin W. Fowler

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Eva F. Scott

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## APPENDIX I

A BILL to amend and reenact § 40.1-80 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 40.1-82.1, relating to employment of children; exemptions.

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-80 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 40.1-82.1 as follows:

§ 40.1-80. Employment of children.—Except as provided in §§ 40.1-82, 40.1-82.1, 40.1-99, 40.1-102, 40.1-105 and 40.1-109, no child 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, in gardens or in the gathering or processing of seafood;

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

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

(4) Before the hours of seven o'clock in the morning or after the hour of six o'clock in the evening, except on farms, in orchards, in gardens or in the gathering or processing of seafood; provided that children over fifteen years of age may be employed after the hour of five o'clock in the morning; provided further, that children 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; provided further, that a child fourteen or fifteen years of age may be allowed to work beyond six o'clock in the evening until as late as ten o'clock on any day pursuant to a special work permit issued by a judge of the juvenile and domestic relations district court for the county or city wherein such child resides.

During the period between June first and September first, children fourteen and fifteen years of age may be employed until ten o'clock in the evening, provided that no workday shall exceed eight hours and no workweek shall exceed forty hours. The maximum hours of employment during each day shall be computed from the time the employee was required to report for work at the address of the employer specified in his employment certificate to the time he is released from work at such address or is delivered to his home address.

Children sixteen and seventeen years of age may be employed until midnight.

No child 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 shift work after an unbroken rest period of twelve hours.

*§ 40.1-82.1. Exemptions from this chapter.—In any case involving a child sixteen or seventeen years of age over which a judge of a juvenile and domestic relations district court has jurisdiction pursuant to Subsection H. of § 16.1-241 of the Code of Virginia, the juvenile judge, in his sound judicial discretion, may vary the restrictions and conditions of this chapter in granting a work permit to such child when he determines that it is in the best interest of such child and that there is good cause to grant variances in such restrictions and conditions.*

## APPENDIX II

A BILL to amend and reenact § 40.1-80 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 40.1-82.1, relating to employment of children; exemptions.

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-80 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 40.1-82.1 as follows:

§ 40.1-80. Employment of children.—Except as provided in §§ 40.1-82.1, 40.1-99, 40.1-102, 40.1-105 and 40.1-109, no child 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, in gardens or in the gathering or processing of seafood;

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

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

(4) Before the hours of seven o'clock in the morning or after the hour of six o'clock in the evening, except on farms, in orchards, in gardens or in the gathering or processing of seafood; provided that children over fifteen years of age may be employed after the hour of five o'clock in the morning; provided further, that children 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; provided further, that a child fourteen or fifteen years of age may be allowed to work beyond six o'clock in the evening until as late as ten o'clock on any day pursuant to a special work permit issued by a judge of the juvenile and domestic relations district court for the county or city wherein such child resides.

During the period between June first and September first, children fourteen and fifteen years of age may be employed until ten o'clock in the evening, provided that no workday shall exceed eight hours and no workweek shall exceed forty hours. The maximum hours of employment during each day shall be computed from the time the employee was required to report for work at the address of the employer specified in his employment certificate to the time he is released from work at such address or is delivered to his home address.

Children sixteen and seventeen years of age may be employed until midnight.

No child 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 shift work after an unbroken rest period of twelve hours.

*§ 40.1-82.1. Exemptions from this chapter.—In any case involving a child sixteen or seventeen years of age over which a judge of a juvenile and domestic relations district court has jurisdiction pursuant to Subsection H. of § 16.1-241 of the Code of Virginia, the juvenile judge, in his sound judicial discretion, may vary the restrictions pertaining to the hours of work in granting a work permit to such child when he determines that it is in the best interest of such child and that there is good cause to grant variances in such restrictions and conditions.*

### APPENDIX III

A BILL to amend and reenact §§ 40.1-79, 40.1-80, 40.1-81.1, 40.1-84, 40.1-87, 40.1-88, 40.1-92, 40.1-95, 40.1-100, 40.1-104, 40.1-105, 40.1-109, 40.1-112 and 40.1-114 of the Code of Virginia and to repeal §§ 40.1-82, 40.1-86, 40.1-106, 40.1-107, 40.1-108 and 40.1-110 of the Code of Virginia, relating to the child labor laws of the Commonwealth of Virginia; penalties for violation.

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-79, 40.1-80, 40.1-81.1, 40.1-84, 40.1-87, 40.1-88, 40.1-92, 40.1-95, 40.1-100, 40.1-104, 40.1-105, 40.1-109, 40.1-112 and 40.1-114 of the Code of Virginia are amended and reenacted as follows:

§ 40.1-79. Exemptions from chapter generally.—Nothing in this chapter, except the provisions of § 40.1-103, shall be construed to apply to the employment of a child engaged in domestic work when such work is performed in connection with the child's own home and directly for his parent or the person standing in place of his parent, or to occasional work performed by a child outside school hours where such work is in connection with the home of the employer but not in connection with his business, trade, or profession.

Nothing in this chapter shall apply to a child employed in connection with a school playground or a supervised playground operated by the State, or by a county or municipal government, or by a corporation the property of which is tax exempt.

Nothing in this chapter shall relate to work outside of school hours on farms, in orchards ; or in gardens ~~or in the gathering or processing of seafood~~ performed with the consent of the child's parent or guardian. Nothing in this chapter, except the provisions of § 40.1-95 relating to the requirement of a certificate of physical examination, shall be construed to apply to the employment of a child between the ages of twelve and eighteen as a page or clerk for either the House of Delegates or the Senate of Virginia.

*Nothing in this chapter shall apply to a child under sixteen years of age employed by his parents in an occupation other than manufacturing, or mining, or an occupation declared hazardous by the Commissioner of Labor and Industry.*

§ 40.1-80. Employment of children.—Except as provided in §§ 40.1-99, 40.1-102, 40.1-105 and 40.1-109, no child *under sixteen 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 ~~or in the gathering or processing of seafood~~ ;

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

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

(4) Before the hours 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 ~~or in the gathering or processing of seafood~~ ; provided that children over fifteen years of age may be employed after the hour of five o'clock in the morning; provided further, that children 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; provided further, that a child fourteen or fifteen years of age may be allowed to work beyond six o'clock in the evening until as late as ten o'clock on any day pursuant to a special work permit issued by a judge of the juvenile and domestic relations district court for the county or city wherein such child resides.

During the period between June first and September first, children fourteen and fifteen years of age may be employed until ten o'clock in the evening, provided that no workday shall exceed eight hours and no workweek shall exceed forty hours. The maximum hours of employment during each day shall be computed from the time the employee was required to report for work at the address of the employer specified in his employment certificate to the time he is released from work at

such address or is delivered to his home address.

~~Children sixteen and seventeen years of age may be employed until midnight.~~

No child 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 shift work after an unbroken rest period of twelve hours.

§ 40.1-81.1. Records to be kept by employers.—Every employer employing minors under ~~eighteen~~ *sixteen* years of age shall keep a time book or time cards or other appropriate records for such minor employees which shall show the beginning and ending time of work each day together with the amount of time designated as a free-from-duty meal period, which is deductible from the schedule of hours of work. The record for the preceding twelve months for each such minor employee shall be kept on the premises for a period of twelve months from the date of the latest work period recorded for the minor employee involved.

§ 40.1-84. Employment certificate required; preemployment certificate and employment thereunder.—No child 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 in the gathering or processing of seafood~~ and except as provided in §§ 40.1-79, 40.1-99 to 40.1-102 and 40.1-105, unless the person, firm or corporation employing such child, procures and keeps on file and accessible to any school attendance officer, representative of the Department or other authorized persons, charged with the enforcement of this chapter, the employment certificate as hereinafter provided, issued for such child. ~~Minors sixteen and seventeen years of age may, upon submitting to the issuing officer of evidence of a physical examination within the past six months, evidence of age, and the signed permission of one parent or guardian obtain a preemployment certificate. This certificate may be obtained prior to obtaining actual employment and permits the minor to start work immediately when employed. The employer shall complete the necessary forms presented by the minor and they shall be returned to the issuing officer. No such minor shall be employed in an occupation prohibited by § 40.1-100. Persons failing to comply with the provisions of this section shall be subject to the penalties provided by § 40.1-113.~~

§ 40.1-87. Vacation or part-time employment certificate.—A vacation or part-time employment certificate shall permit the employment of a child between fourteen and ~~eighteen~~ *sixteen* years of age only during school vacation periods or on days when school is not in session, or outside school hours on school days. Such certificate for vacation or part-time employment of a child between fourteen and sixteen years of age may authorize the employment of such child until ten o'clock in the evening on any day not followed by a school day.

§ 40.1-88. Work-training certificate.—A work-training certificate shall permit the employment of a child between fourteen and ~~eighteen~~ *sixteen* years of age during school hours when enrolled in a regular school work-training program.

§ 40.1-92. Issuance of certificates.—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 by the end of the week in which the same shall have been issued for review and approval. The Commissioner shall file and preserve such certificates and documents.

§ 40.1-95. Certificate of physical fitness.—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 six months of the time of his initial employment and has been found to be of normal development for a child of his age, is in sound health, and shall specify characteristics of physical tasks for which the child is not physically qualified. The certificate of physical fitness herein required shall be valid until the minor has reached his ~~eighteenth~~ *sixteenth* birthday so long as the minor does not engage in restricted tasks. Physical restrictions may be removed by a physician based upon his findings in a subsequent physical examination.

§ 40.1-100. Certain employment prohibited or limited.—(A) No child *under eighteen years of age* shall be employed, permitted or suffered to work:

(1) In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or establishment manufacturing or storing explosives or articles containing explosive components; in any occupation involving exposure to radioactive substances or to ionizing radiations including X-ray equipment;

(2) At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking machine;

(3) In oiling or assisting in oiling, wiping and cleaning any such machinery except as provided in § 40.1-89; provided further, however, that children sixteen years of age and older who are serving a voluntary apprenticeship as provided in chapter 6 (§ 40.1-117 et seq.) of this title may operate, oil or assist in operating, oiling, wiping and cleaning such machinery;

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

(5) In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred products, 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 to deliver alcoholic goods;

(6) (Repealed.)

(7) In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking operations;

(8) As a driver or a helper on a truck or commercial vehicle of more than two axles. The provisions of this paragraph shall not apply to the drivers of school buses;

(9) In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any occupation involving slaughtering, meatpacking, processing or rendering ; ;

*(10) In any occupation determined and declared hazardous by rules and regulations promulgated by the Commissioner of Labor and Industry.*

(B), (C) (Repealed.)

(D) No child under sixteen years of age shall be employed, permitted or suffered to work:

(1) In any manufacturing or mechanical establishment, in any commercial cannery; in the operation of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home, clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly, or nurses' aid, or at any veterinary hospital; in any warehouse; in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber yard or ice plant or in ushering in theaters. Children fourteen years of age or more may be

engaged in office work of a clerical nature in bona fide office rooms in the above types of establishments.

(2) In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair, floor show, pool hall, ~~parking lot, club, or roadhouse~~; or as a lifeguard at a beach ~~or swimming pool, or as a gatekeeper or in any concessions at any public, hotel and motel pool~~

(E) Children fourteen years of age or more may be employed by dry cleaning or laundry establishments in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics where they may be engaged in kitchen work, tray service or room and hall cleaning. Children fourteen years of age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not in or about such machines, and in soda fountains, restaurants and hotel and motel food service departments. Children fourteen years of age or more may work as gatekeepers and in concessions at ~~apartment pools, private club pools, community pools, church pools and YWCA and YMCA swimming pools~~ and may be employed by concessionaires operating on beaches where their duties and work pertain to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach equipment.

§ 40.1-104. Age certificates.—An age certificate shall be issued, upon request of the employer or the worker, for a person ~~eighteen~~ *sixteen* years of age or over. It shall be issued by the person authorized to issue employment certificates under the provisions of this chapter upon presentation of the same evidence of age as required for an employment certificate. The age certificate shall show the person's name and address, his date of birth and signature, the signature of the person issuing the certificate and the evidence accepted as proof of age.

An employment or age certificate duly issued shall be conclusive evidence of the age of the person for whom issued in any proceeding involving the employment of the person under any of the labor laws of this State as to any act occurring subsequent to its issuance and prior to its revocation.

§ 40.1-105. Bootblacks, caddies, news venders, messengers, etc.—Any child between twelve and sixteen years of age may engage in the occupation of (1) bootblacking, (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 when the public schools are not in session ; ~~provided such child procures and carries on his person a badge as hereinafter provided~~ . The provisions of this section shall not apply to any such child 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.

§ 40.1-109. Newspaper carriers on regular routes; hours; newspaper carrier certificates.—Notwithstanding the other provisions of this chapter, any child between twelve and sixteen years of age may daily engage in the occupation of distributing newspapers on regularly established routes between the hours of four o'clock ante meridian and seven o'clock post meridian, excluding the time public schools are actually in session. ~~Such carrier children shall not be required to procure or carry a badge, but in lieu thereof~~ The publisher of the newspaper which any such child delivers on such route, having been furnished with satisfactory proof of age as provided in § 40.1-94, shall issue a newspaper carrier certificate on a form prescribed by the Commission, showing the name, age, address, and school attended, of such child, and shall send copies of such certificate to the division superintendent of schools and the Department, and shall retain a file copy. Such certificate shall remain in effect until the publisher is notified that such child does not appear physically fit from his health record or that in the opinion of the division superintendent his school record indicates that his schoolwork is not compatible with such occupation. Such carrier child 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 such carrier child between sixteen and eighteen years of age, or of any carrier child 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.~~

§ 40.1-112. Soliciting subscription contracts for books, magazines, etc.—(1) In order to provide for enforcement of the child labor laws and the protection of employees, it shall be unlawful for any

person, firm or corporation to engage in or to employ any person for, or suffer or permit any person in his employment to engage in, solicitation, sale, or obtaining of subscription contracts or orders for books, magazines or other periodical publications other than newspapers without obtaining from the Commissioner a permit to conduct such business.

(2) Such permits shall be valid from the date of issuance until June thirty next following date of issuance. Applications may be made not more than thirty days prior to the requested date of issuance on forms furnished by the Commissioner and the applicant shall supply such information as is required concerning his place or places of business, the prospective number of his employees, and the proposed hours of work and rate of compensation for such employees. A separate permit shall be required for each place of business or location at which applicant operates within this State.

(3) Each permittee shall maintain such records as may be prescribed by the Commissioner showing the name, residence address and age of each employee, the hours worked by each employee, the place where such work was performed, and the compensation paid and payable to such employee. Such records shall be available for inspection by the Commissioner or a representative designated by him during business hours.

(4) (Repealed.)

(4.1) No child shall be employed, permitted or suffered to work by or for any permittee unless all the following conditions are satisfied:

(a) The child is at least sixteen years of age; and

(b) The permittee has a permanent business address within this State; and

(c) The child is not required or permitted to work at any place more than twenty-five miles distant from the address specified in his employment certificate and in no case beyond the boundaries of this State; and

(d) The child works at all times under the immediate supervision of an adult; and

(e) The child is not permitted or required to work a greater number of hours than permitted by § 40.1-80 of the Code of Virginia; and

(f) No child shall be required, permitted or directed to make any false statement representing himself, his employer or products or services in his employment.

(5) Any person violating any provision or condition of this section shall be guilty of a *Class 2* misdemeanor ~~and shall be fined not less than fifty dollars nor more than five hundred dollars or punished by confinement in jail for any period not to exceed one year, or both, for each such violation.~~ Any violation of this section by a permittee or with his knowledge and consent shall in addition be grounds for revocation of the permit.

§ 40.1-114. Enforcement of child labor law.—The Commissioner with the assistance of State and local law-enforcement officers, shall enforce the provisions of this chapter and shall have authority to appoint such representatives as may be necessary to secure the enforcement of this chapter. He shall supervise the work of the attendance officers or other persons in each city and county authorized to enforce this chapter and shall make all necessary rules and regulations for carrying out the purposes of this chapter, and shall prescribe and supply to the proper officials blanks for employment certificates ; ~~badges for street trade,~~ and such other forms as may be required for carrying out the provisions of this chapter.

2. That §§ 40.1-82, 40.1-86, 40.1-106, 40.1-107, 40.1-108 and 40.1-110 of the Code of Virginia are repealed.

