

Schweyer, Freeman, Fraise

Succeeded By
O/HF 2/21
SSB 3045
Business + Labor

SENATE FILE
BY (PROPOSED COMMITTEE ON
BUSINESS AND LABOR RELATIONS
BILL BY CHAIRPERSON FREEMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to permitted and prohibited occupations for
2 certain child laborers involving motor vehicle cleaning,
3 washing, and polishing, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 92.5, subsection 9, paragraph c, Code
2 2001, is amended to read as follows:

3 c. Ear Motor vehicle cleaning, washing, and polishing,
4 including the use of power washers. Nothing in this
5 subsection shall be construed to include work involving the
6 use of pits, racks or lifting apparatus or involving the
7 inflation of any tire mounted on a rim equipped with a
8 removable retaining ring.

9 Sec. 2. Section 92.6, subsection 6, Code 2001, is amended
10 to read as follows:

11 6. Operation or tending of hoisting apparatus or of any
12 power-driven machinery, other than power washers in motor
13 vehicle cleaning, washing, and polishing, and office machines
14 and machines in retail, food service, and gasoline service
15 establishments which are specified in section 92.5 as machines
16 which such minors may operate in such establishments.

17 Sec. 3. Section 92.8, subsection 19, Code 2001, is amended
18 to read as follows:

19 19. Occupations involving exposure to lead fumes or its
20 compounds, or to dangerous or poisonous dyes or chemicals.
21 This subsection shall not be construed to include the use of
22 detergents, cleaners, and protectants in work involving motor
23 vehicle cleaning, washing, and polishing, if the person
24 employed is provided with and uses personal protective
25 equipment as needed.

26 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 This bill amends the child labor laws to provide that a
30 child under the age of 16 shall be permitted to use a power
31 washer in the permitted occupations of motor vehicle cleaning,
32 washing, and polishing. Current Code lists as a prohibited
33 occupation for persons under age 18 those occupations
34 involving exposure to lead fumes or its compounds, or to
35 dangerous or poisonous dyes or chemicals. The bill exempts

SSB 3045

S.F. _____ H.F. _____

1 from this prohibition the use of detergents, cleaners, and
2 protectants in work involving motor vehicle cleaning, washing,
3 and polishing, if the child employed is provided with and uses
4 personal protective equipment as needed.

5 The bill takes effect upon enactment.

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Substitutes for HF 2361
2/20/02
(P. 447)

FILED FEB 5 2002

REPRINTED SENATE FILE 2/21

BY COMMITTEE ON BUSINESS
AND LABOR RELATIONS

(SUCCESSOR TO SSB 3045)

Passed Senate, Date ^(p.264) 2/13/02 Passed House, Date ^(p.451) 2/20/02
Vote: Ayes 45 Nays 3 Vote: Ayes 59 Nays 31
~~Approved~~ Retired 3/1/02

A BILL FOR

1 An Act relating to permitted and prohibited occupations for
2 certain child laborers involving motor vehicle cleaning,
3 washing, and polishing, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2/21

1 Section 1. Section 92.8, subsection 19, Code 2001, is
2 amended to read as follows:

3 19. Occupations involving exposure to lead fumes or its
4 compounds, or to dangerous or poisonous dyes or chemicals.
5 This subsection shall not be construed to include the use of
6 detergents, cleaners, and protectants in work involving motor
7 vehicle cleaning, washing, and polishing, if the person
8 employed is provided with and uses personal protective
9 equipment as needed.

10 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
11 immediate importance, takes effect upon enactment.

12 EXPLANATION

13 This bill amends the child labor laws to provide that a
14 child under the age of 18 may use detergents, cleaners, and
15 protectants in employment involving motor vehicle cleaning,
16 washing, and polishing if the child employed is provided with
17 and uses personal protective equipment as needed.

18 The bill takes effect upon enactment.

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SENATE FILE 2121

S-5038

1 Amend Senate File 2121 as follows:
2 1. Page 1, line 7, by striking the word
3 "polishing," and inserting the following:
4 "polishing".
5 2. Page 1, line 25, by inserting after the word
6 "needed" the following: "; and provided the person
7 shall not be employed or permitted to combine the
8 chemicals which constitute the detergents, cleaners,
9 or protectants used to wash, clean, or polish motor
10 vehicles other than to dilute the detergents,
11 cleaners, and protectants with water. However, use of
12 a power washer, ladder, scaffold, or their substitutes
13 by a person employed in work involving motor vehicle
14 cleaning, washing, and polishing, who is fourteen or
15 fifteen years of age, is prohibited pursuant to
16 section 92.6, or rules adopted pursuant to section
17 92.6".

By NEAL SCHUERER
MATT McCOY

S-5038 FILED FEBRUARY 13, 2002

ADOPTED

(p. 063)

SENATE FILE 2121
BY COMMITTEE ON BUSINESS
AND LABOR RELATIONS

(SUCCESSOR TO SSB 3045)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 13, 2002)

_____ - New Language by the Senate

Passed Senate, Date _____

Passed House, ^(P.451) Date 2/20/02

Vote: Ayes _____ Nays _____

Vote: Ayes 59 Nays 31

Approved Retired March 1, 2002

A BILL FOR

1 An Act relating to permitted and prohibited occupations for
2 certain child laborers involving motor vehicle cleaning,
3 washing, and polishing, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2121

1 Section 1. Section 92.8, subsection 19, Code 2001, is
2 amended to read as follows:

3 19. Occupations involving exposure to lead fumes or its
4 compounds, or to dangerous or poisonous dyes or chemicals.
5 This subsection shall not be construed to include the use of
6 detergents, cleaners, and protectants in work involving motor
7 vehicle cleaning, washing, and polishing if the person
8 employed is provided with and uses personal protective
9 equipment as needed; and provided the person shall not be
10 employed or permitted to combine the chemicals which
11 constitute the detergents, cleaners, or protectants used to
12 wash, clean, or polish motor vehicles other than to dilute the
13 detergents, cleaners, and protectants with water. However,
14 use of a power washer, ladder, scaffold, or their substitutes
15 by a person employed in work involving motor vehicle cleaning,
16 washing, and polishing, who is fourteen or fifteen years of
17 age, is prohibited pursuant to section 92.6, or rules adopted
18 pursuant to section 92.6.

19 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
20 immediate importance, takes effect upon enactment.

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SENATE FILE 2121

H-8069

1 Amend Senate File 2121, as amended, passed, and
2 reprinted by the Senate, as follows
3 1. Page 1, line 6, by inserting after the word
4 "protectants" the following: ", with a national fire
5 protection association health rating of less than
6 three,".
7 2. Page 1, line 8, by inserting after the word
8 "employed" the following: "is at least sixteen years
9 of age and".

By DOTZLER of Black Hawk

H-8069 FILED FEBRUARY 19, 2002

Lost
2/20/02 (p. 450)

SENATE FILE 2121

H-8073

1 Amend Senate File 2121, as amended, passed, and
2 reprinted by the Senate, as follows
3 1. Page 1, line 6, by inserting after the word
4 "protectants" the following: ", with a national fire
5 protection association health rating for chemicals or
6 working solutions of two or less,".
7 2. Page 1, line 8, by inserting after the word
8 "employed" the following: "is at least sixteen years
9 of age and".

By DOTZLER of Black Hawk

H-8073 FILED FEBRUARY 19, 2002

Lost
2/20/02
(p. 448)

SENATE FILE 2121

H-8076

1 Amend the amendment, H-8069, to Senate File 2121,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 9 and
5 inserting the following:

6 "____. Page 1, by inserting after line 18 the
7 following:

8 "A child employed in an occupation involving motor
9 vehicle cleaning, washing, and polishing as provided
10 in this subsection shall have an informed consent form
11 signed by the person's parent or guardian. The
12 department shall develop and make available an
13 informed consent form to be used by an employer to
14 inform the parent or guardian of a child employed in
15 an occupation involving motor vehicle cleaning,
16 washing, and polishing in accordance with this
17 subsection of the hazardous chemicals that may be used
18 on the job and the health effects of exposure to the
19 chemicals. The employer shall maintain a copy of the
20 signed consent form for each such person employed in
21 accordance with this subsection on file, which shall
22 be made available to the labor commissioner upon
23 request."

24 2. By renumbering as necessary.

By DOTZLER of Black Hawk

H-8076 FILED FEBRUARY 20, 2002

Adopted
2/20/02
(P. 450)



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

March 1, 2002

RECEIVED
MAR 04 2002
LEGISLATIVE COUNSEL

The Honorable Mary Kramer
President of the Senate
State Capitol Building
LOCAL

Dear President Kramer:

I hereby disapprove and transfer Senate File 2121, an act relating to permitted and prohibited occupations for certain child laborers involving motor vehicle cleaning, washing, and polishing, and providing an effective date.

As it is drafted, Senate File 2121 would exempt businesses engaged in automobile cleaning from the current child labor laws that prohibit youth from working with dangerous or poisonous dyes or chemicals [Iowa Code 92.8(19)]. As written, this bill would allow workers under 18 years old to come into contact with *any* chemical used in the automobile cleaning, washing, and polishing processes—including those that are corrosive, toxic, and even potentially fatal.

Our child labor laws were created to provide safeguards for young people in the workplace. While I realize the important role that summer and after-school jobs play to instill the value of hard work to our young people, we must strike a balance that will afford our youth this opportunity for rewarding experience while also maintaining their health and safety. Although this bill would require youth to use protective equipment, I am not convinced that this requirement will always provide adequate protections from toxic, corrosive, or potentially fatal chemicals.

Senate File 2121 was originally designed to provide businesses a vehicle through which they could continue to employ teenagers in car washing jobs. No one disagrees with the goal of continued employment for our young people in cleaning automobiles. Unfortunately, the bill's language goes too far and could allow child laborers to be put into dangerous work settings.

Realizing that the solution to this issue must be a two-prong approach that ensures both employment access and worker safety, I have instructed the Iowa Division of Labor

to issue an official interpretation of "dangerous or poisonous dyes or chemicals" as it relates to our child labor laws. This interpretation will clarify the chemicals that child laborers may come into contact with while maintaining the safety that they need in the workplace. Earlier today, the Labor Commissioner issued this official interpretation of the definition of "dangerous or poisonous dyes or chemicals" as referenced in Iowa Code 92.8(19). Further, I have directed the Division of Labor to continue to work with the automobile dealers in our state to ensure that we strike the right balance to maintain both safety and employment opportunities for young Iowans.

Given the new interpretation of the child labor provisions and the continued commitment of all parties to find a workable, real world solution to this issue, Senate File 2121 no longer appears necessary.

For the above reasons, I hereby respectfully disapprove Senate File .

Sincerely,



Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

SENATE FILE 2121

AN ACT

RELATING TO PERMITTED AND PROHIBITED OCCUPATIONS FOR CERTAIN CHILD LABORERS INVOLVING MOTOR VEHICLE CLEANING, WASHING, AND POLISHING, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 92.8, subsection 19, Code 2001, is amended to read as follows:

19. Occupations involving exposure to lead fumes or its compounds, or to dangerous or poisonous dyes or chemicals. This subsection shall not be construed to include the use of detergents, cleaners, and protectants in work involving motor vehicle cleaning, washing, and polishing if the person employed is provided with and uses personal protective equipment as needed; and provided the person shall not be employed or permitted to combine the chemicals which constitute the detergents, cleaners, or protectants used to wash, clean, or polish motor vehicles other than to dilute the detergents, cleaners, and protectants with water. However, use of a power washer, ladder, scaffold, or their substitutes by a person employed in work involving motor vehicle cleaning, washing, and polishing, who is fourteen or fifteen years of age, is prohibited pursuant to section 92.6, or rules adopted pursuant to section 92.6.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2121, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

~~VETOED~~
Approved 3 / 1, 2002

THOMAS J. VILSACK
Governor