SENATE FILE 167
BY SCHULTZ

A BILL FOR

1 An Act relating to youth employment and making penalties
2 applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 92.3, Code 2023, is amended to read as follows:

92.3 Under fourteen — work activities not permitted occupations.
No person under fourteen years of age shall be employed
or permitted to work with or without compensation in any
occupation, except in the street occupations or migratory
labor occupations specified in section 92.1 work activity.
Any migratory laborer twelve to fourteen years of age may not
work prior to or during the regular school hours of any day of
any private or public school which teaches general education
subjects and which is available to such child.

Sec. 2. Section 92.4, Code 2023, is amended to read as follows:

92.4 Under sixteen — permitted occupations work activities.
No person under sixteen years of age shall be employed
or permitted to work with or without compensation in any
occupation work activity during regular school hours, except
the following work activities:
1. Those persons legally out of school, if such status
is verified by the submission of written proof to the labor
commissioner.
2. Those persons working in a supervised school-work
program.
3. Those persons between the ages of fourteen and sixteen
enrolled in school on a part-time basis and who are required to
work as a part of their school training.
4. Fourteen- and fifteen-year-old migrant laborers during
any hours when summer school is in session.

Sec. 3. Section 92.5, Code 2023, is amended to read as follows:

92.5 Fourteen and fifteen — permitted occupations work
activities.
Persons fourteen and fifteen years of age may be employed or
permitted to work in the following occupations work activities:
1. Retail, food service, and gasoline service establishments.
2. Office and clerical work, including operation of office machines.
3. Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
4. Price marking and tagging by hand or by machine, assembling orders, packing, and shelving.
5. Bagging and carrying out customers’ orders.
6. Errand and delivery work by foot, bicycle, and public transportation.
7. Cleanup work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds.
8. Kitchen work and other work involved in preparing and serving food and beverages, including the cleaning using kitchen cleaning products with required personal protective equipment, operation of machines and devices used in the performance of such work, including but not limited to microwaves, dishwashers, toasters, dumb-waiters, popcorn poppers, milk shake blenders, and coffee grinders.
9. a. Work in connection with motor vehicles and trucks if confined to the following:
   (1) Dispensing gasoline and oil.
   (2) Courtesy service.
   (3) Car cleaning, washing, and polishing.
   b. Nothing in this subsection shall be construed to include work involving the use of pits, racks, or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
10. Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods when performed in areas physically separate from areas where meat is prepared, for sale and outside including work in freezers and meat coolers.
11. Loading onto motor vehicles and unloading from motor vehicles of the light, non-power-driven hand tools and personal protective equipment that the minor will use as part of their employment at the work site. Such light tools include but are not limited to rakes, hand-held clippers, shovels, and brooms. Such light tools do not include items such as trash, sales kits, promotion items or items for sale, lawn mowers, or other power-driven lawn maintenance equipment.

12. Laundering.

13. Work in the production of seed, limited to removal of off-type plants and corn tassels and hand-pollinating from June 1 through Labor Day.

14. Other work approved by the rules adopted pursuant to chapter 17A by the labor commissioner.

Sec. 4. Section 92.6, Code 2023, is amended to read as follows:

92.6 Fourteen and fifteen — occupations work activities not permitted.

1. Persons fourteen and fifteen years of age may not be employed in:

a. Any manufacturing occupations work activity.

b. Any mining occupations work activity.

c. Processing occupations work activities, except in a retail, food service, or gasoline service establishment in those specific occupations work activities expressly permitted under the provisions of section 92.5.

d. Occupations work activities requiring the performance of any duties in workrooms or work places where goods are manufactured, mined, or otherwise processed, except to the extent expressly permitted in retail, food service, or gasoline service establishments under the provisions of section 92.5.

e. Public messenger service.

f. Operation or tending of hoisting apparatus or of any power-driven machinery, other than office machines and machines in retail, food service, and gasoline service establishments.
which are specified in section 92.5 as machines that such minors may operate in such establishments.

g. Occupations Work activities prohibited by rules adopted pursuant to chapter 17A by the labor commissioner.

h. Occupations Work activities in connection with the following, except office or sales work in connection with these occupations work activities, not performed on transportation media or at the actual construction site:

(1) Transportation of persons or property by rail, highway, air, on water, pipeline, or other means.

(2) Warehousing and storage.

(3) Communications and public utilities.

(4) Construction, including repair.

i. Any of the following occupations work activities in a retail, food service, or gasoline service establishment:

(1) Work performed in or about boiler or engine rooms.

(2) Work in connection with maintenance or repair of the establishment, machines, or equipment.

(3) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes.

(4) Cooking except at soda fountains, lunch counters, snack bars, or cafeteria serving counters, and baking.

(5) Occupations which work activities that involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.

(6) Work in freezers and meat coolers and all work in preparation of meats for sale, except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in other areas.

(7) (6) Loading and unloading goods to and from trucks, railroad cars, or conveyors, except as permitted by section 92.5, subsection 11.

(8) (7) All occupations work activities in warehouses
S.F. 167

1 except office and clerical work.
2   j. Laundering, except for the use of a washing machine
3 which has a capacity of less than ten cubic feet and which is
4 designed to reach an internal temperature which does not exceed
5 212 degrees Fahrenheit.
6 2. Nothing in this section shall be construed as prohibiting
7 office, errand, or packaging work when done away from moving
8 machinery.

Sec. 5. NEW SECTION. 92.6A Fifteen — permitted work activities.
1 1. Persons fifteen years of age may be employed or permitted
2 to work in any of the work activities provided in section 92.5
3 in addition to the following work activities:
4 a. Loading and unloading non-power-driven equipment weighing
5 up to thirty pounds into motor vehicles.
6 b. Loading and unloading groceries and other retail items
7 weighing up to thirty pounds into motor vehicles.
8 c. Stocking shelves with items weighing up to thirty pounds.
9 d. If properly licensed, work as a lifeguard or swim
10 instructor at a traditional swimming pool or amusement park.
11 2. The commissioner may issue a waiver of any weight
12 limitations provided in subsection 1 of up to fifty pounds
13 depending on the strength and ability of the fifteen-year-old.
14 3. The commissioner may issue a waiver for a
15 fifteen-year-old to be able to load and unload light
16 power-driven lawn machines based on the ability of the minor if
17 the minor is supervised, the machine is powered off, and the
18 safety key is stored away from the machine.
19 4. The commissioner may issue a waiver for a
20 fifteen-year-old to perform light assembly work as long
21 as the assembly is not performed on machines or in an area with
22 machines.

Sec. 6. NEW SECTION. 92.6B Fifteen — work activities not
1 permitted.
2 1. Persons fifteen years of age may not be employed in:
1. Any manufacturing work activity.
2. Any mining work activity.
3. Processing work activities, except in a retail, food service, or gasoline service establishment in those specific work activities expressly permitted under the provisions of section 92.5.
4. Work activities requiring the performance of any duties in workrooms or work places where goods are manufactured, mined, or otherwise processed, except to the extent expressly permitted in retail, food service, or gasoline service establishments under the provisions of section 92.5.
5. Public messenger service.
6. Operation or tending of hoisting apparatus or of any power-driven machinery, other than office machines and machines in retail, food service, and gasoline service establishments which are specified in section 92.5 as machines that such minors may operate in such establishments.
7. Work activities prohibited by rules adopted pursuant to chapter 17A by the labor commissioner.
8. Work activities in connection with the following, except office or sales work in connection with these work activities, not performed on transportation media or at the actual construction site:
   (1) Transportation of persons or property by rail, highway, air, on water, pipeline, or other means.
   (2) Warehousing and storage.
   (3) Communications and public utilities.
   (4) Construction, including repair.
9. Any of the following work activities in a retail, food service, or gasoline service establishment:
   (1) Work performed in or about boiler or engine rooms.
   (2) Work in connection with maintenance or repair of the establishment, machines, or equipment.
   (3) Outside window washing that involves working from window sills, and all work requiring the use of ladders.
scaffolds, or their substitutes.

(4) Cooking except at soda fountains, lunch counters, snack bars, or cafeteria serving counters, and baking.

(5) Work activities that involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.

(6) Loading and unloading goods to and from trucks, railroad cars, or conveyors, except as permitted by section 92.5, subsection 11, and section 92.6A.

(7) All work activities in warehouses except office and clerical work.

2. Nothing in this section shall be construed as prohibiting office, errand, or packaging work when done away from moving machinery.

Sec. 7. Section 92.7, Code 2023, is amended to read as follows:

92.7 Under sixteen — hours permitted.

A person under sixteen years of age shall not be employed with or without compensation, except as provided in sections 92.2 92.5 and 92.6A, before the hour of 7:00 a.m. or after 7:00 9:00 p.m., except during the period from June 1 through Labor Day when the hours may be extended to 9:00 11:00 p.m.

If such person is employed for a period of five hours or more each day, an intermission of not less than thirty minutes shall be given. Such a person shall not be employed for more than eight hours in one day, exclusive of intermission, and shall not be employed for more than forty hours in one week. The hours of work of persons under sixteen years of age employed outside school hours shall not exceed four six in one day or twenty-eight in one week while school is in session.

Sec. 8. NEW SECTION. 92.7A Seventeen — hours permitted.

A person who is seventeen years of age may work the same hours as a person who is eighteen years of age.

Sec. 9. Section 92.8, Code 2023, is amended to read as

LSB 1838XS (3) 90
-7- je/rn 7/17
follows:

1. Occupations Work activities in or about plants or establishments manufacturing or storing explosives or articles containing explosive components, except performing light assembly work as long as the assembly is not performed on machines or in an area with machines.

2. Occupations of motor vehicle driver and helper.

3. Occupations involved in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.

4. Occupations involved in the operation of power-driven woodworking machines.

5. Occupations Work activities involving exposure to radioactive substances and to ionizing radiations.

6. Occupations involved in the operation of elevators and other power-driven hoisting apparatus.

7. Occupations involved in the operation of power-driven metal forming, punching, and shearing machines.

8. Occupations in connection with Coal mining.

9. Occupations Work activities in or about slaughtering and meat packing establishments and rendering plants, provided that work activities in office, shipping, and assembly areas shall not be prohibited by this chapter.

10. Occupations involved in the operation of certain power-driven bakery machines. Except as otherwise provided in this subsection, this subsection does not apply to the operation of pizza dough rollers that are a type of dough sheeter that have been constructed with safeguards contained in the basic design so as to prevent fingers, hands, or clothing
that have gears that are completely enclosed, and that have microswitches that disengage the machinery if the backs or sides of the rollers are removed, only when all the safeguards detailed in this subsection are present on the machinery, are operational, and have not been overridden. However, this subsection does apply to the setting up, adjusting, repairing, oiling, or cleaning of pizza dough rollers as described in this subsection.

11. Occupations involved in the operation of certain power-driven paper products machines, except bailers if the machine is powered off and the key is stored in a separate area from the machine.


13. Occupations involved in the operation of circular saws, band saws, and guillotine shears.

14. Occupations involved in wrecking, demolition, and shipbreaking operations.

15. Occupations involved in roofing operations.

16. Excavation occupations.

17. In work activities in or about foundries; provided that office, shipping, and assembly area employment shall not be prohibited by this chapter.

18. Occupations involving the operation of dry cleaning or dyeing machinery.

19. Work activities involving exposure to lead fumes or its compounds, or to dangerous or poisonous dyes or chemicals.

20. Occupations involving the transmission of goods or messages between the hours of 10:00 p.m. and 5:00 a.m.

21. Occupations prohibited by rules adopted pursuant to chapter 17A by the labor commissioner.
Sec. 10. NEW SECTION. 92.8A Approved career and technical education, work-based learning, internships, registered apprenticeship programs, and student learners.

1. The director of the department of workforce development or department of education may grant an exception from any provision of section 92.6, 92.6B, or 92.7 for minors fourteen to seventeen years of age participating in work-based learning or a school or employer-administered, work-related program approved by the department of workforce development or the department of education if all of the following apply:

a. The requestor demonstrates the activity will be performed under adequate supervision and training.

b. The training includes adequate safety precautions.

c. The terms and conditions of the proposed employment will not interfere with the health, well-being, or schooling of the minor enrolled in the approved program.

2. Section 92.8 shall not apply to a student in an approved work-based learning program, registered apprenticeship, career and technical education program, or student learner program provided the student is employed under all of the following conditions:

a. The student is employed in a craft recognized as an apprenticeable trade or the student is employed under a written employment agreement.

b. The work of the apprentice or student employee in the work activities declared particularly hazardous is incidental to the apprentice’s training.

c. The work is intermittent and for short periods of time and is under the direct and close supervision of a qualified and experienced person.

d. Adequate on-the-job training and safety instructions are in place.

Sec. 11. Section 92.17, subsections 2 and 4, Code 2023, are amended by striking the subsections.

Sec. 12. Section 92.17, subsection 3, Code 2023, is amended
to read as follows:

3. A child from working in any occupation or business operated by the child’s parents. For the purposes of this subsection, “child” and “parents” include a foster child and the child’s foster parents who are licensed by the department of health and human services.

Sec. 13. Section 92.19, subsections 2 and 3, Code 2023, are amended by striking the subsections.

Sec. 14. Section 92.20, subsection 1, Code 2023, is amended by striking the subsection.

Sec. 15. Section 92.21, subsection 1, Code 2023, is amended to read as follows:

1. The labor commissioner may adopt rules pursuant to chapter 17A to more specifically define the occupations and equipment permitted or prohibited in this chapter, to determine occupations for which work permits are required, and to issue general and special orders prohibiting or allowing the employment of persons under eighteen years of age in any place of employment defined in this chapter as hazardous to the health, safety, and welfare of the persons.

Sec. 16. Section 92.22, subsection 1, Code 2023, is amended to read as follows

1. The labor commissioner shall enforce this chapter. An employer who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil penalty of not more than ten thousand dollars for each violation. The commissioner may waive or reduce a civil penalty based on evidence the commissioner may obtain. The commissioner shall provide a fifteen-day grace period before imposing a civil penalty.

Sec. 17. Section 92.23, Code 2023, is amended to read as follows:

92.23 Group insurance.

Anyone under the age of eighteen and subject to this chapter employed in the street occupations who sells or delivers work

LSB 1838XS (3) 90
je/rn 11/17
activities of selling or delivering the product or service of another and who is designated in such capacity as an independent contractor shall be provided participation, if the person under the age of eighteen desires it at group rate cost, in group insurance for medical, hospital, nursing, and doctor expenses incurred as a result of injuries sustained arising out of and in the course of selling or delivering such product or service by the person, firm, or corporation whose product or service is so delivered.

Sec. 18. NEW SECTION. 92.24 Employer liability in work-based learning.

1. For purposes of this section, unless the context otherwise requires:
a. "Business" means any city, county, or township, including but not limited to a fire department or law enforcement office or department, public university, municipal university, community college, technical college or not-for-profit private postsecondary educational institution, corporation, association, partnership, proprietorship, limited liability company, limited partnership, limited liability partnership, organization or other legal entity, whether for-profit or not-for-profit, that does all of the following:
(1) Enters into an agreement with a school district for a work-based learning program.
(2) Directly supervises a student who is participating in the work-based learning program, either on the premises of the business or at another location.
b. "Work-based learning program" means a learning program to which all of the following apply:
(1) The program includes but is not limited to work-related, on-the-job training, job shadowing, internships, clinicals, practicums, registered apprenticeships, co-ops, supervised agricultural experiences, and industry-led service-learning projects.
(2) The program is incorporated into secondary coursework
1 or related to a specific field of study.
2   (3) The program integrates knowledge and theory learned
3 in the classroom or other school-approved setting with
4 the practical application and development of skills and
5 proficiencies in a professional work setting.
6   2. A business that accepts a secondary student in a
7 work-based learning program shall not be subject to civil
8 liability for any claim arising from the student’s negligent
9 act or omission during the student’s participation in the
10 work-based learning program at the business or worksite.
11   3. A business that accepts a secondary student in a
12 work-based learning program shall not be subject to civil
13 liability for any claim for bodily injury to the student or
14 sickness or death by accident of the student arising from
15 the student’s driving to or from the business or worksite to
16 participate in the work-based learning program.
17   4. A business that accepts a secondary student in a
18 work-based learning program shall not be subject to civil
19 liability for any claim for bodily injury to the student or
20 sickness or death by accident of the student arising from the
21 business’s negligent act or omission during the student’s
22 participation in the work-based learning program at the
23 business or worksite.
24   5. This section shall not be construed to provide immunity
25 for a student or business for civil liability arising from
26 gross negligence or willful misconduct.
27 Sec. 19. Section 123.49, subsection 2, paragraph f, Code
28 2023, is amended to read as follows:
29 f. Employ a person under eighteen years of age in the
30 sale or serving of alcoholic beverages for consumption on
31 the premises where sold. This paragraph shall not apply if
32 the employer has on file written permission from the parent,
33 guardian, or legal custodian of a person sixteen or seventeen
34 years of age for the person to sell or serve alcoholic
35 beverages for consumption on the premises where sold. The
employer shall keep a copy of the written permission on file
until the person is either eighteen years of age or no longer
engaged in the sale of or serving alcoholic beverages for
consumption on the premises where sold.

Sec. 20. Section 321.194, subsection 2, paragraph a, Code
2023, is amended by adding the following new subparagraph:
NEW SUBPARAGRAPH. (04) If the licensee is employed, the
licensee may operate a motor vehicle during the hours of 5:00
a.m. to 10:00 p.m. over the most direct and accessible route
between the licensee's residence or school of enrollment and
the licensee's place of employment, provided the driving
distance between the licensee's place of employment and the
nearest point on the route on which the licensee is authorized
to travel under subparagraph (1), subparagraph division (a), or
subparagraph (2), subparagraph division (a), is no more than
fifty miles.

Sec. 21. Section 321.194, subsection 2, paragraph a,
subparagraph (4), Code 2023, is amended to read as follows:
(4) To a service station for the purpose of refueling, so
long as the service station is the station closest to the route
on which the licensee is traveling under subparagraph (1), (2),
or (3), or (04).

Sec. 22. Section 321.194, subsection 3, paragraphs a and b,
Code 2023, are amended to read as follows:
a. Each application shall be accompanied by a statement
from the applicant's school of enrollment or employer. The
statement shall be upon a form provided by the department and
shall certify that a need exists for the license and that the
person signing the statement is not responsible for actions of
the applicant which pertain to the use of the driver's license.
(1) If the applicant attends a public school, the
certification shall be made by the school board, superintendent
of the applicant's school, or principal, if authorized by the
superintendent.
(2) If the applicant attends an accredited nonpublic
school, the certification shall be made by the authorities in charge of the accredited nonpublic school or a duly authorized representative of the authorities.

(3) If the applicant is employed, the certification shall be in the form of an affidavit for minor license signed by the employer and the student.

b. Upon receipt of a statement of necessity or signed affidavit, the department shall issue the driver’s license provided the applicant is otherwise eligible for issuance of the license. The fact that the applicant resides at a distance less than one mile from the applicant’s school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. However, the distance between the applicant’s residence and school of enrollment shall not be considered if the applicant resides on a farm or is employed for compensation on a farm.

Sec. 23. REPEAL. Sections 92.1, 92.2, 92.9, 92.10, 92.11, 92.12, 92.13, 92.14, 92.15, 92.16, and 92.18, Code 2023, are repealed.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation’s substance by the members of the general assembly.

This bill relates to youth employment.

CHILD LABOR. The bill includes various amendments to Code chapter 92, relating to child labor. The bill strikes provisions providing for child labor permits and migrant child labor permits. The bill strikes provisions allowing certain children under 14 years of age to engage in street occupations. The bill modifies permitted and prohibited work that can be performed by minors 14 to 17 years of age, as well as hours in which work can be performed. The bill strikes penalties for certain actions taken in violation of Code chapter 92 to procure employment for oneself or of another person; other penalties for violations of Code chapter 92 are retained. Under current law, a violation
of Code chapter 92 is generally a serious misdemeanor. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $430 but not more than $2,560. The bill allows the labor commissioner to waive or reduce a civil penalty under Code chapter 92 based on evidence the commissioner may obtain and requires the commissioner to provide a 15-day grace period before imposing a civil penalty. Under current law, an employer violating Code chapter 92 is subject to a civil penalty of up to $10,000. The bill changes terminology referring to "occupations" to instead refer to "work activities".

The bill allows the director of the department of workforce development or department of education to grant an exception from specified provisions of Code chapter 92 relating to prohibited work activities and work hours for minors 14 to 17 years of age participating in work-based learning or a school or employer-administered, work-related program approved by the department of workforce development or the department of education if specified conditions apply. The bill provides that specified prohibitions on work activities are inapplicable to a student in an approved work-based learning program, registered apprenticeship, career and technical education program, or student learner program provided the student is employed under specified conditions.

The bill provides that a business that accepts a secondary student in a work-based learning program shall not be subject to civil liability for specified claims relating to the student's work in the program. This provision shall not be construed to provide immunity for a student or business for civil liability arising from gross negligence or willful misconduct.

ALCOHOLIC BEVERAGES. The bill allows a person 16 to 17 years of age to be employed in the sale or serving of alcoholic beverages for on-premises consumption under Code section 123.49 if the employer has on file written permission from the parent,
guardian, or legal custodian of the person. The employer shall keep a copy of the written permission on file until the person is either 18 years of age or no longer engaged in the sale of or serving alcoholic beverages. A violation of Code section 123.49 is a simple misdemeanor. A simple misdemeanor is punishable by confinement for no more than 30 days and a fine of at least $105 but not more than $855.

MOTOR VEHICLE OPERATION. The bill provides that a person holding a special minor's license under Code section 321.194 who is employed may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. over the most direct and accessible route between the licensee's residence or school of enrollment and the licensee's place of employment, provided the driving distance between the licensee's place of employment and the nearest point on the route on which the licensee is authorized to operate a motor vehicle for purposes of school transportation under current law is no more than 50 miles. The person's application for a special minor's license must include an affidavit for minor license signed by the employer and the person, using a form provided by the department. Other requirements to obtain a special minor's license under current law are applicable to such a person. Under current law, the fact that an applicant for a special minor's license resides at a distance less than one mile from the applicant's school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of the license. The bill strikes this provision. The bill provides that the distance between an applicant's residence and school of enrollment shall not be considered if the applicant is employed for compensation.

A violation of Code section 321.194 is punishable by a scheduled fine of $70.