

House File 2227 - Reprinted

HOUSE FILE 2227
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 546)

(As Amended and Passed by the House March 6, 2012)

A BILL FOR

1 An Act relating to child labor requirements administered by
2 the labor commissioner, making penalties applicable, and
3 including effective date provisions.

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

1 Section 1. Section 92.1, Code 2011, is amended to read as
2 follows:

3 **92.1 Street occupations — migratory labor.**

4 ~~1. No~~ A person under ten years of age shall not be employed
5 or permitted to work with or without compensation at any time
6 within this state in street occupations of peddling, shoe
7 polishing, the distribution or sale of newspapers, magazines,
8 periodicals or circulars, nor in any other occupations in any
9 street or public place. ~~The labor commissioner shall, when~~
10 ~~ordered by a judge of the juvenile court, issue a work permit~~
11 ~~as provided in this chapter to a person under ten years of age.~~

12 ~~2. No person under twelve years of age shall be employed~~
13 ~~or permitted to work with or without compensation at any time~~
14 ~~within this state in connection with migratory labor, except~~
15 ~~that the labor commissioner may upon sufficient showing by a~~
16 ~~judge of the juvenile court, issue a work permit as provided in~~
17 ~~this chapter to a person under twelve years of age.~~

18 Sec. 2. Section 92.2, Code 2011, is amended to read as
19 follows:

20 **92.2 Over ten and under sixteen years of age.**

21 1. A person over ten and under sixteen years of age
22 cannot be employed, with or without compensation, in street
23 occupations ~~or migratory labor~~ as defined in section 92.1,
24 unless the person holds a child labor work permit issued
25 pursuant to this chapter ~~and the school the person attends has~~
26 ~~certified that the person is regularly attending school and~~
27 ~~the potential employment will not interfere with the person's~~
28 ~~progress in school. A written agreement, as defined in section~~
29 ~~92.11, subsection 1, shall not be required for the issuance of~~
30 ~~a work permit under this section.~~

31 ~~a. Notwithstanding section 92.7, a person with a permit to~~
32 ~~engage in migratory labor shall only work between 5:00 a.m. and~~
33 ~~7:30 p.m. from Labor Day through June 1, and between 5:00 a.m.~~
34 ~~and 9:00 p.m. for the remainder of the year.~~

35 ~~b. 2. Notwithstanding section 92.7, a person with a permit~~

1 ~~to engage~~ engaged in street occupations shall only work between
2 4:00 a.m. and 7:30 p.m. when local public schools are in
3 session and between 4:00 a.m. and 8:30 p.m. for the remainder
4 of the year.

5 ~~2.~~ 3. The requirements of section 92.10 shall not apply
6 to a person, firm, or corporation employing a person engaged
7 in ~~street occupations~~ the distribution or sale of newspapers,
8 magazines, periodicals, or circulars pursuant to this section.

9 Sec. 3. Section 92.3, Code 2011, is amended to read as
10 follows:

11 **92.3 Under fourteen — permitted occupations.**

12 ~~No~~ A person under fourteen years of age shall not be employed
13 or permitted to work with or without compensation in any
14 occupation, except in the street trade occupations ~~or migratory~~
15 ~~labor occupations~~ specified in section 92.1. ~~Any migratory~~
16 ~~laborer twelve to fourteen years of age may not work prior to~~
17 ~~or during the regular school hours of any day of any private~~
18 ~~or public school which teaches general education subjects and~~
19 ~~which is available to such child.~~

20 Sec. 4. Section 92.4, subsection 4, Code 2011, is amended by
21 striking the subsection.

22 Sec. 5. Section 92.8, subsection 19, Code 2011, is amended
23 to read as follows:

24 19. Occupations involving exposure to ~~lead fumes or its~~
25 ~~compounds, or to dangerous or poisonous dyes or~~ hazardous
26 chemicals.

27 Sec. 6. Section 92.10, Code 2011, is amended to read as
28 follows:

29 **92.10 Permit on file.**

30 Except as provided in section 92.2, a person under sixteen
31 years of age shall not be employed or permitted to work with or
32 without compensation unless the person, firm, or corporation
33 employing such person ~~receives and keeps on file accessible to~~
34 ~~any officer charged with the enforcement of this chapter, a~~
35 ~~work permit issued as provided in this chapter,~~ completes the

1 requirements of section 92.11, subsection 5, paragraph "a", and
2 keeps a complete list of the names and ages of all such persons
3 under sixteen years of age employed. An employer may complete
4 and file a child labor work permit for an employee sixteen
5 years of age or older.

6 ~~Certificates of age shall be issued for persons sixteen and~~
7 ~~seventeen years of age and for all other persons eighteen and~~
8 ~~over upon request of the person's prospective employer.~~

9 Sec. 7. Section 92.11, Code 2011, is amended by striking the
10 section and inserting in lieu thereof the following:

11 **92.11 Issuance and revocation of child labor work permits.**

12 1. The labor commissioner shall develop and post on the
13 division of labor services' internet site all of the following:

14 a. A child labor work permit form as provided by this
15 section and a means of electronically filing a child labor work
16 permit with the labor commissioner.

17 b. Information about the hours and occupation limitations as
18 provided by this chapter.

19 c. An affidavit that may be completed by a licensed
20 physician when no other proof of age is available.

21 2. Using the form created by the labor commissioner, the
22 child shall complete the child's name, age, address, date
23 of birth, place of birth, and gender, and shall sign the
24 form. The child shall provide to the employer evidence of age
25 consisting of one of the following forms of proof in descending
26 order of preference:

27 a. A certified copy of the child's birth certificate legally
28 filed with a registrar of vital statistics or other officer
29 charged with the duty of recording births.

30 b. A passport.

31 c. Official documentation issued by the state or federal
32 government that includes the child's age.

33 d. An affidavit on a form available from the labor
34 commissioner signed by a licensed physician stating how old the
35 physician believes the child to be.

1 3. A parent, guardian, or custodian of the child shall
2 complete the parent's, guardian's, or custodian's name,
3 address, and telephone number, and shall sign the form.

4 4. The employer shall complete the business name, address,
5 and telephone number. The employer shall review the relevant
6 limitations on hours and occupations as set forth in this
7 chapter. The employer shall personally view the evidence of
8 the child's age and shall make a copy of the proof of age and
9 keep it on file. The employer shall sign the child labor work
10 permit including certification of each of the following:

11 a. The employer has viewed and copied the child's proof of
12 age.

13 b. The employer has read and understands the hours and
14 occupation limitations pertaining to the child.

15 c. The employer agrees not to employ the child in a manner
16 inconsistent with the hours and occupation limitations.

17 d. The information on the child labor work permit is true
18 and accurate.

19 e. The employer understands that criminal and civil
20 penalties may result from violations of this chapter.

21 5. a. The employer shall either file the completed child
22 labor work permit electronically with the labor commissioner or
23 keep the completed child labor work permit on file accessible
24 to any officer charged with the enforcement of this chapter.
25 The employer shall also provide one copy of the completed child
26 labor work permit to the child and one copy to the parent,
27 guardian, or custodian of the child.

28 b. The child may begin work upon completion of the
29 requirements of paragraph "a".

30 c. The labor commissioner may contact the employer regarding
31 correcting deficiencies in the child labor work permit. If the
32 employer does not make needed corrections within seven days,
33 the labor commissioner may initiate revocation proceedings.

34 6. The labor commissioner may revoke a child labor work
35 permit upon good cause in accordance with the provisions of

1 chapter 17A.

2 Sec. 8. Section 92.17, subsections 3 and 6, Code 2011, are
3 amended to read as follows:

4 3. Work in the production of seed, limited to removal of
5 off-type plants, corn tassels and hand-pollinating during the
6 months of June, July, and August by persons fourteen years of
7 age or over, and part-time work in agriculture, ~~not including~~
8 ~~migratory labor~~.

9 6. A juvenile court from ordering a child ~~at least twelve~~
10 ~~years old~~ to complete a work assignment of value to the state
11 or to the public or to the victim of a crime committed by
12 the child, in accordance with section 232.52, subsection 2,
13 paragraph "a".

14 Sec. 9. Section 92.20, subsection 1, Code 2011, is amended
15 to read as follows:

16 1. The parent, guardian, or person in charge of any
17 ~~migratory worker or of~~ any child who engages in any street
18 occupation in violation of any of the provisions of this
19 chapter shall be guilty of a serious misdemeanor.

20 Sec. 10. Section 92.22, Code 2011, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 8. The commissioner may file a petition for
23 enforcement concerning a civil penalty that is final pursuant
24 to chapter 17A. The clerk of court, unless otherwise ordered
25 by the court, shall forthwith enter a decree and shall transmit
26 a copy of the decree to the commissioner and the employer named
27 in the petition.

28 Sec. 11. REPEAL. Sections 92.12, 92.13, 92.14, 92.15,
29 92.16, and 92.18, Code 2011, are repealed.

30 Sec. 12. EFFECTIVE DATE. This Act takes effect January 1,
31 2013.