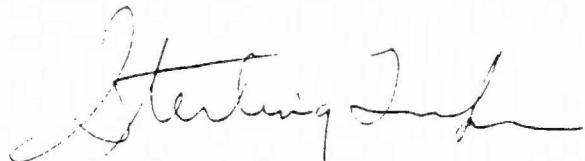


COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act ( PL 93-198 ) the Act, the Council of the District of Columbia adopted Bill No. 1-48 on first and second readings February 24, 1976 and March 9, 1976, respectively. Following the signature of the Mayor of April 5, 1976, this legislation was assigned Act No. 1-105, published in the April 15, 1976, edition of the D.C. Register, and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602 (c) (1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has expired and, therefore, cites the following legislation as D.C. Law 1-68, effective June 15, 1976.



STERLING TUCKER  
Chairman of the Council

D.C. LAW 1-68

In the Council of the District of Columbia

June 15, 1976

To extensively revise the child labor laws in the District of Columbia, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "Child Labor Amendments of  
1976".

Sec. 2. The Act entitled "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928, is amended as follows:

(1) Section 1 of such Act (D.C. Code, sec. 36-201) is amended (A) by striking out "That no child" and inserting in lieu thereof "Except as provided in Section 6 and 7, no minor", (B) by striking out "child's" each place it appears and inserting in lieu thereof in each such place "minor's", (C) by striking out "boys" and inserting in lieu thereof "minors", and (D) by striking out "17 and 24" and inserting in lieu thereof "15 to 21".

(2) Section 2 of such Act (D.C. Code, sec. 36-202) is amended (A) by striking out in the first sentence (i)

"No" and inserting in lieu thereof "Except as provided in section 6, no", (ii) "17" and inserting in lieu thereof "14", and (iii) "nor shall any girl under eighteen years of age or boy under sixteen years of age be so employed, permitted, or suffered to work before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening of any day, nor shall any boy between sixteen and eighteen years of age be so employed before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening of any day" and inserting in lieu thereof "nor shall any minor sixteen or seventeen years of age be employed, permitted, or suffered to work before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening of any day; nor shall any minor under sixteen years of age be employed, permitted, or suffered to work before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening of any day, except during the summer (June 1 through Labor Day) when the evening hour shall be nine o'clock", and (B) by striking out in the second sentence "and the hours when the time allowed for meals begins and ends for said minors".

(3) The proviso of section 3 of such Act (D.C. Code, sec. 36-203) is amended (A) by striking out "to 7" and inserting in lieu thereof "through 6", and (B) by inserting immediately before the period at the end thereof a colon and the following: "Provided further, That no hearing shall be necessary for the issuance of an order prohibiting employment in any occupation found by the Secretary of Labor under the authority of the Fair Labor Standards Act to be particularly hazardous for minors under eighteen years of age or detrimental to their health and well-being".

(4) Section 4 of such Act (D.C. Code, sec. 36-204) is amended by adding the following sentence: "This section does not apply to any duly approved vocational education program or training under the auspices of the Board of Education or the Trustees of the University."

(5) Section 5 of such Act (D.C. Code, sec. 36-205) is amended by striking out clause (1) and all that follows, and inserting in lieu thereof "at operating any freight or non-automatic elevator, or in any quarry, tunnel, or excavation."

(6) Section 6 of such Act (D.C. Code, sec. 36-206) is repealed.

(7) Section 7 of such Act (D.C. Code, sec. 36-207) is repealed.

(8) Section 7a of such Act (D.C. Code, sec. 36-207a) is renumbered section 6 and amended to read as follows:

"Sec. 6. The Board of Education is authorized to issue a theatrical permit to any minor under eighteen years of age authorizing and permitting said minor to appear on the stage of a licensed legitimate or vaudeville theatre within the District of Columbia in any professional theatrical production or act; or in a musical or dance recital or concert; or to participate in a professional sports activity, circus, radio or television program, motion picture, or to appear as a fashion model: Provided, That such minor is at least seven years of age: Provided further, That such minor shall not appear in more than two performances in any one day; nor more than eight performances in any one week, and shall not appear in any performance after the hour of eleven-thirty in the evening. Application for a theatrical permit shall be made by the parent or guardian or agent of such minor to the Board of Education. The Board may

issue such a permit if satisfied that the parent or guardian or agent of the minor has made adequate provisions for the educational instruction of such minor, and for safeguarding the minor's health, and for the proper supervision of the minor."

(9) Section 8 of such Act (D.C. Code, sec. 36-208) is renumbered section 7 and amended (A) by striking out "children" and inserting in lieu thereof "minors, (B) by striking out the word "his" and inserting in lieu thereof "the", and (C) by striking out "between fourteen and" and inserting in lieu thereof "under".

(10) Section 9 of such Act (D.C. Code, sec. 36-209) is renumbered section 8 and amended (A) by striking out in the first sentence (i) "The work or vacation permit required by this Act shall be issued only by the director of the department of school attendance and work permits created under the board of education according to the provisions of the Act of Congress, approved February 4, 1925, entitled 'An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes,' or by any person duly authorized by said director," and inserting in lieu thereof "The work or vacation permit required by this Act shall be issued by

the Board of Education", and (ii) "color," (B) by striking out in the fourth sentence "and shall be mailed to the employer by the issuing officer, and in no case given to the minor." and inserting in lieu thereof "and shall be mailed or delivered to the employer." (C) by amending the fifth sentence to read as follows:

"The Board shall maintain an office record for each applicant containing the minor's name, sex, date and place of birth; evidence of age, residence, name and address of the employer; and nature of the specific occupation in which the minor is employed; the grade and school last attended by the minor; the employer's statement of intention to employ, and the parent's, guardian's, or custodian's written consent if such written consent is required." and, (D) by striking out the last sentence.

(11) Section 10 of such Act (D.C. Code, sec. 36-210) is renumbered section 9 and amended to read as follows:

"Sec. 9. The Board of Education shall issue a work or vacation permit only upon application in person of the minor desiring employment, and upon

submission to and approval by the Board of the following:

"(a) A statement signed by the prospective employer or the employer's authorized agent, stating that the employer expects to give such minor present employment, setting forth the specific nature of the occupation in which such minor will be employed, and the number of hours per day and of days per week which said minor will be employed.

"(b) Evidence of age as provided in section 10 of this Act.

"(c) Written consent, of the parent, guardian, or custodian, if the minor is under sixteen years of age, specifying permission for employment of such minor: Provided, That if such minor is withdrawing from school for purposes of employment, the parent, guardian or custodian must appear in person before the issuing officer and sign the consent form.

"(d) A school record, if the minor is under sixteen years of age and is withdrawing from school for purposes of employment, signed

by the principal of the public, private or parochial school last attended by the minor, or by a person duly authorized by said principal. The school record shall certify that the minor has completed the eighth grade or the equivalent thereof in a public school, or has regularly received in a private or parochial school, instruction deemed equivalent by the Board of Education to that prescribed for the completion of the eighth grade in the public school of the District of Columbia. The school record shall contain also the full name, date of birth, grade last completed, and residence of the minor as shown on the records of the school.

"(e) A certificate, if the person is less than sixteen years of age, of physical fitness for the employment specified in the statement submitted in accordance with subsection (a). Such certificate shall be signed by a licensed physician."

(12) Section 11 of such Act (D.C. Code, sec. 36-211) is renumbered section 10 and amended (A) by striking out in paragraph (c) (i) "director of the

department of school attendance and work permits" and inserting in lieu thereof "Board of Education", and (ii) "child" or "child's" each place it appears and inserting in lieu thereof each place either "minor" or "minor's", (B) by striking out the colon and the provisos at the end of paragraph (c) and inserting in lieu thereof a period, (C) by striking out paragraph (d) and all that follows, and (D) redesignating paragraphs (b) and (c), as amended by this section, as paragraphs (c) and (d), respectively, and adding after paragraph (a) the following new paragraph:

"(b) A record of age as given in the records of the school first attended by the minor, if obtainable, or in the earliest available school census."

(13) Section 12 of such Act (D.C. Code, sec. 36-212) is renumbered section 11 and amended by striking out in the first sentence (A) "The director of the department of school attendance and work permits, or any person duly authorized by him," and inserting in lieu thereof "The Board of Education," and, (B) "11" and inserting in lieu thereof "10".

(14) Section 13 of such Act (D.C. Code, sec. 36-213) is repealed.

(15) Section 14 of such Act (D.C. Code, sec. 36-214) is renumbered section 12, and amended by striking out "child" and inserting in lieu thereof "minor".

(16) Section 15 of such Act (D.C. Code, sec. 36-215) is renumbered section 13 and amended (A) by striking out "14" each place it appears and inserting in lieu thereof "12", (B) by striking out "department enforcing the child labor law" and inserting in lieu thereof "Board of Education", (C) by striking out "\$200" and inserting in lieu thereof "\$300", (D) by striking out "his" and inserting in lieu thereof "their", and (E) by striking out "him" and inserting in lieu thereof "the minor".

(17) Section 16 of such Act (D.C. Code, sec. 36-216) is renumbered section 14 and amended (A) by striking out in the first sentence "director of the department of school attendance and work permits organized under the Board of Education of the District of Columbia and of the authorized inspectors and agents of said department" and inserting in lieu thereof "Board of Education", (B) by striking out in the second sentence "director of the said department" and inserting in lieu thereof "Board of Education", and (C) by striking out the third sentence.

(18) Section 17 of such Act (D.C. Code, sec. 36-217) is renumbered section 15 and amended to read as follows:

"Sec. 15. No minor under sixteen years of age shall be employed in the stuffing of newspapers, nor shall the work of any minor sixteen or seventeen employed stuffing newspapers exceed forty hours in any one week, nor shall such minor be employed on more than one night in any week. No minor under twelve years of age shall distribute, sell, expose, or offer for sale any newspapers, magazines, periodicals, or any other articles or merchandise of any description, or distribute handbills or circulars, except political literature as specified below, in any street or public place, or exercise the trade of bootblack or any other trade, in any street or public place: Provided, That the provisions of this Act shall not apply to minors ten years of age and over engaged in the distribution of newspapers, magazines, or periodicals on fixed routes: Provided further, That no minor under sixteen years of age shall be employed or permitted or suffered to work at any of the trades or occupations mentioned in this

section, in any street or public place, after the hour of seven in the evening or before the hour of six in the morning, or, unless holding a work permit issued in accordance with the provisions of this Act, during the hours when such minor's school is in session.

"Nothing in this section shall be construed as prohibiting the distribution or circulation, by a minor, of political literature or petitions, or such other materials, for which the minor receives no pecuniary compensation."

(19) Section 18 of such Act (D.C. Code, sec. 36-218) is repealed.

(20) Section 19 of such Act (D.C. Code, sec. 36-219) is renumbered section 16 and amended (A) by striking out "boy" and inserting in lieu thereof "minor", (B) by striking out "17" and inserting in lieu thereof "15", (C) by striking out "director of the department of school attendance and work permits, or some person duly authorized by him" and inserting in lieu thereof "Board of Education", (D) by striking out "he" the first place it appears and inserting in lieu thereof "such minor", (E) by striking out "carry on his person" and inserting in lieu thereof "wear", and (F) by

striking out "he" the second place it appears and inserting in lieu thereof "the minor".

(21) Section 20 of such Act (D.C. Code, sec. 36-220) is renumbered section 17 and amended to read as follows:

"Sec. 17. The Board of Education shall issue a street-trades badge only upon the application of the minor desiring it, with the written consent of the parent, guardian, or custodian of such minor, and upon proof that the minor is of the age required by Section 15 of this Act, which shall consist of the same evidence as is required for a work permit under this Act. A work permit issued as required by this Act may be accepted in lieu of any other requirements for said badge."

(22) Section 21 of such Act (D.C. Code, sec. 36-221) is renumbered section 18 and amended (A) by inserting immediately after "minor's" in the first sentence thereof "name,", (B) by striking out in the second sentence (i) "the height and weight of the minor," and (ii) "in the office of the director of the department of school attendance and work permits" and inserting in lieu thereof "by the Board of Education", (C) by striking out in the third sentence (i) "this

section" and inserting in lieu thereof "section 15", (ii) "having conspicuously on his person" and inserting in lieu thereof "wearing", and (iii) "he" and inserting in lieu thereof "such minor", and (D) by striking out the fourth sentence and all that follows.

(23) Section 22 of such Act (D.C. Code, sec. 36-222) is renumbered section 19 and amended to read as follows:

"Sec. 19. The Board of Education shall order any minor found to be engaged in any of the trades or occupations mentioned in section 15, in violation of any of the provisions of sections 15 through 21 of this Act, to cease and desist from engaging in such trade or occupation, and the parent, guardian, or custodian of such minor shall be notified by the Board of its order. The Board of Education may also revoke the badge or work permit of any minor who violates any provision of this Act, or who fails to comply with all legal requirements concerning school attendance for such period as the Board may require. Upon revocation, the Board shall so notify the parent, guardian, or custodian of such minor, and it shall thereupon become the duty of said parent, guardian, or

custodian to surrender or require said minor to surrender said badge or work permit to the Board. After notice to the minor and the parent, guardian, or custodian of the revocation of such badge or work permit, said minor shall be deemed to be in the same status as a minor without a badge. The refusal of any such minor to surrender the badge upon such revocation shall be deemed a violation of this Act."

(24) Section 23 of such Act (D.C. Code, sec. 36-223) is renumbered section 20 and amended (A) by striking out (i) "for himself" and inserting in lieu thereof "personally", (ii) "his own badge" and inserting in lieu thereof "the badge issued by the Board of Education", and (iii) "him" and inserting in lieu thereof "the minor", (B) by striking out "he" and inserting in lieu thereof "the minor," (C) by striking out "\$200" and inserting in lieu thereof "\$300", (D) by striking out "his", (E) by striking out "17 to 23" and inserting in lieu thereof "15 to 20", (F) by striking out "\$100" the second time it appears in the last sentence of such section and inserting in lieu thereof "\$200", and (G) by adding at the end thereof the following new sentence: "Nothing in this section shall

be construed as prohibiting the distribution or circulation, by a minor, of political literature or petitions, or such other materials, for which the minor receives no pecuniary compensation."

(25) Section 24 of such Act (D.C. Code, sec. 36-224) is renumbered section 21 and amended to read as follows:

"Sec. 21. No owner or employee of a business establishment shall permit a minor under the age of sixteen, having reasonable grounds to believe that such minor is a truant or unlawfully absent from school, to loiter on the premises of such business establishment during those hours when school is in session. Any person violating the provisions of this section may be fined not less than \$25 nor more than \$300, or may be imprisoned for not less than ten days or longer than thirty days."

(26) Section 25 of such Act (D.C. Code, sec. 36-225) is repealed.

(27) Section 26 of such Act (D.C. Code, sec. 36-228) is renumbered section 22 and amended to read as follows:

"Sec. 22. Prosecutions for violations of any of the provisions of this Act, or of any regulation

made by the Board of Education under authority of this Act, shall be on information filed in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any assistants."

(28) Section 27 of such Act and section 28 of such Act (D.C. Code, sec. 36-226) are renumbered sections 23 and 24, respectively.

(29) Section 29 of such Act (D.C. Code, sec. 36-227) is renumbered section 25 and amended to read as follows:

"Sec. 25. The Board of Education of the District of Columbia is hereby empowered to carry out and enforce the provisions of this Act, and is authorized to promulgate such regulations as may be necessary to effectuate the purposes of this Act. The Board of Education is further authorized to delegate the performance of any of its functions and duties under this Act to any officer, agent, or department of the Board, and to appoint such number of child labor inspectors or other employees as may be necessary to carry out the provisions of this Act."

(30) Such Act is amended by adding the following new section:

"Sec. 26. This Act may be cited as the 'District of Columbia Employment of Minors Act'."

Sec. 3. The amendments made by this act shall take effect on the first day of the first month which begins thirty days after the date this act becomes law according to section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

Docket for the Bill Bill 1-48

Considered in Council 2-24-76

First Vote 13-0

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON	X				SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON	X			
BARRY	X				HOBSON	X				WINTER	X			
CLARKE	X				MOORE, J.	X								
COATES	X				SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

(Secretary of the Council)

Final Vote in Council 3-9-76

13-0

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON	X				SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON	X			
BARRY	X				HOBSON	X				WINTER	X			
CLARKE	X				MOORE, J.	X								
COATES	X				SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

(Secretary of the Council)

Presented to the Mayor MAR 22 1976

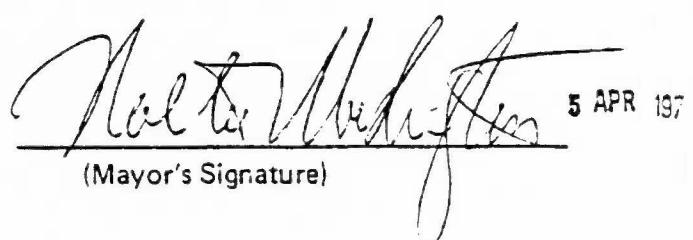
(Secretary of the Council)

Mayor's Action:

✓

Approved: 5 APR 1976

Disapproved: \_\_\_\_\_

  
5 APR 1976

(Mayor's Signature)

Enacted without Mayor's Signature \_\_\_\_\_

(Secretary of the Council)