

HOUSE BILL NO. 359

Introduced: 01/19/83

Referred to Committee on Labor & Employment Relations: 01/19/83

Hearing: 2/8/83

Report: 02/15/83, Do Pass, As Amended

2nd Reading: 2/17/83, Do Pass

3rd Reading: 02/21/83, Do Pass

Transmitted to Senate: 2/21/82

Returned to House For Further Consideration: 2/22/83

3rd Reading: 02/22/83, Do No Pass

Bill Killed

1 *House* BILL NO. *359*
2 INTRODUCED BY *J. Brown, Rep. Beckins Howard*
3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
6 REVISION OF THE LAWS RELATING TO CHILD LABOR; REPEALING
7 SECTIONS 41-2-101 THROUGH 41-2-121, MCA."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Short title. [This act] may be cited as the
11 "Child Labor Standards Act".

12 Section 2. Definitions. Unless the context requires
13 otherwise, in [this act] the following definitions apply:

14 (1) "Agriculture" means farming in all its branches,
15 including the cultivation and tillage of the soil; dairying;
16 the production, cultivation, growing, and harvesting of any
17 agricultural or horticultural commodities (including
18 commodities defined as agricultural commodities in section
19 15(g) of the Federal Agricultural Marketing Act, as
20 amended); the raising of livestock, bees, fur-bearing
21 animals, or poultry; and any practices including forestry or
22 lumbering operations performed by a farmer or on a farm as
23 an incident to or in conjunction with farming operations,
24 including preparation for market or delivery to storage or
25 to market or to carriers for transportation to market.

1 (2) "Department" means the department of labor and
2 industry provided for in 2-15-1701.

3 (3) "Employed" includes permitted or suffered to work.

4 (4) "Employer" includes any individual, partnership,
5 association, corporation, business trust, or person or group
6 of persons acting directly or indirectly in the interest of
7 an employer in relation to an employee.

8 (5) "Minor" means any person under 18 years of age.

9 (6) "Occupation" means any occupation, service, trade,
10 business, industry, or branch or group of industries or
11 employment or class of employment in which employees are
12 employed.

13 Section 3. Exemptions. The provisions of [this act] do
14 not apply to a minor:

15 (1) engaged in domestic service or agricultural
16 pursuits performed outside school hours in connection with
17 the minor's own home or farm owned or operated by his parent
18 or by a person standing in place of his parent and who is
19 employed directly by the parent or person;

20 (2) employed on a campsite of a nonprofit corporation
21 engaged in citizenship training and character building,
22 during periods of school vacations;

23 (3) employed as an actor, model, or performer; or

24 (4) employed outside school hours by a householder in
25 casual work usual to the home of the householder and not in

1 connection with the householder's business, trade, or
2 profession and not in occupations otherwise specifically
3 prohibited by [this act].

4 Section 4. Employment of minors under fourteen. (1) A
5 minor under 14 years of age may not be employed in or in
6 connection with any occupation except as otherwise provided
7 in this section.

8 (2) Nothing in this section prohibits the employment
9 outside school hours of a minor 12 or 13 years old:

10 (a) in the delivery of newspapers to the consumer;

11 (b) in agriculture or in occupations not otherwise
12 prohibited by [this act], with written consent of the
13 minor's parent or person standing in place of his parent, or
14 on a farm where the parent or person is also employed.

15 Section 5. Employment of minors under sixteen. (1) A
16 minor 14 or 15 years of age may not be employed in any
17 occupation during school hours.

18 (2) A minor 14 or 15 years of age may be employed
19 outside school hours in the street trades occupations of
20 bootblackening and the distribution or sale of newspapers,
21 magazines, periodicals, or circulars, or similar
22 occupations.

23 (3) A minor 14 or 15 years of age may be employed
24 outside school hours in the following occupations in retail,
25 food service, and gasoline service establishments:

1 (a) office and clerical work, including the operation
2 of office machines;

3 (b) cashiering, selling, modeling, art work, work in
4 advertising departments, window trimming, and comparative
5 shopping;

6 (c) price marking and tagging by hand or by machine,
7 assembling orders, packing, and shelving;

8 (d) bagging and carrying out customers' orders;

9 (e) errand and delivery work by foot, bicycle, or
10 public transportation;

11 (f) cleanup work, including the use of vacuum cleaners
12 and floor waxers, and maintenance of grounds, but not
13 including the use of power-driven mowers or cutters;

14 (g) kitchen work and other work involved in preparing
15 and serving food and beverages, including the operation of
16 machines and devices used in the performance of such work,
17 such as but not limited to dishwashers, toasters,
18 dumbwaiters, popcorn poppers, milkshake blenders, and coffee
19 grinders;

20 (h) work in connection with cars and trucks if
21 confined to dispensing gasoline and oil; courtesy service;
22 car cleaning, washing, and polishing; and other occupations
23 permitted by this subsection (3); but not including work
24 involving the use of pits, racks, or lifting apparatus or
25 involving the inflation of any tire mounted on a rim

1 equipped with a removable ring; or

2 (1) cleaning vegetables and fruits and wrapping,
3 sealing, labeling, weighing, pricing, and stocking goods,
4 when performed in areas physically separate from areas
5 prohibited by this section.

6 Section 6. Prohibited employment of minors under
7 sixteen. Except as provided for in [section 5(3)], a minor
8 14 or 15 years of age may not be employed in:

9 (1) any manufacturing occupation;

10 (2) any mining occupation;

11 (3) processing occupations, such as filleting fish,
12 dressing poultry, cracking nuts, or laundering and
13 drycleaning;

14 (4) occupations requiring the performance of any
15 duties in workrooms or workplaces where goods are
16 manufactured, mined, or otherwise processed;

17 (5) the operation or tending of hoisting apparatus or
18 of any power-driven machinery;

19 (6) the operation of motor vehicles or service as a
20 helper on such vehicles;

21 (7) public messenger service;

22 (8) occupations in connection with transportation of
23 persons or property by rail, highway, air, water, pipeline,
24 or other means; with warehousing and storage; with
25 communications and public utilities; and with construction

1 or repair;

2 (9) any of the following occupations in retail, food
3 service, and gasoline service establishments:

4 (a) work performed in or about boiler or engine rooms;

5 (b) work in connection with maintenance or repair of
6 the establishment, machines, or equipment;

7 (c) outside window washing that involves working from
8 windowsills and all work requiring the use of ladders,
9 scaffolds, or their substitutes;

10 (d) cooking, except at soda fountains, lunch counters,
11 snack bars, or cafeteria serving counters, and baking;

12 (e) occupations that involve operating, assembling,
13 adjusting, cleaning, oiling, or repairing power-driven food
14 slicers and grinders, food choppers and cutters, and
15 bakery-type mixers;

16 (f) work in freezers and meat coolers and all work in
17 preparation of meats for sale except as permitted in
18 [section 5(3)(i)];

19 (g) loading and unloading goods to and from trucks,
20 railroad cars, or conveyors;

21 (h) all occupations in warehouses, except office and
22 clerical work; or

23 (i) all occupations otherwise prohibited by [this
24 act];

25 (10) any of the following occupations in agriculture:

1 (a) operating a tractor of over 20 PTO horsepower or
 2 connecting or disconnecting an implement or any of its parts
 3 to or from such a tractor or any machinery used in
 4 agriculture that is driven by any motor. The term
 5 "operating" as used in subsection (10)(a) includes operating
 6 and assisting in operating the various machines, including
 7 starting, stopping, adjusting, feeding, or any other
 8 activity involving physical contact associated with the
 9 operations of machinery;

10 (b) working with livestock used for breeding purposes
 11 or with livestock with young offspring;

12 (c) felling, bucking, skidding, loading, or unloading
 13 timber with butt diameter of more than 6 inches;

14 (d) picking fruit, pruning trees, or repairing a
 15 building from a ladder or scaffold at a height of over 20
 16 feet;

17 (e) driving a bus, truck, or automobile when
 18 transporting passengers or riding on a tractor as a
 19 passenger or helper;

20 (f) working inside a fruit, forage, or grain storage
 21 structure designed to retain an oxygen-deficient or toxic
 22 atmosphere; an upright silo within 2 weeks after silage has
 23 been added or when a top unloading device is in operating
 24 position; a manure pit; or a horizontal silo while operating
 25 a tractor for packing purposes;

1 (g) handling agricultural chemicals classified as
 2 poisonous;

3 (h) handling or using a blasting agent, including but
 4 not limited to dynamite, black powder, sensitized ammonium
 5 nitrate, blasting caps, and primer cord; or

6 (i) transporting, transferring, or applying anhydrous
 7 ammonia.

8 Section 7. Exemptions from prohibited occupations in
 9 agriculture. (1) The prohibitions in [section 6(10)] do not
 10 apply to the employment of a student-learner 14 or 15 years
 11 of age in the occupations enumerated in subsections (10)(a)
 12 through (10)(i) of [section 6] if the following requirements
 13 are met:

14 (a) the student-learner is enrolled in a vocational
 15 education training program in agriculture under a recognized
 16 state or local educational authority or in a substantially
 17 similar program conducted by a private school;

18 (b) the student-learner is employed under a written
 19 agreement providing that:

20 (i) the work must be incidental to his training;

21 (ii) the work must be intermittent, for short periods
 22 of time, and under the direct and close supervision of a
 23 qualified and experienced person;

24 (iii) safety instruction must be given by the school
 25 and correlated by the employer with on-the-job trainings;

(iv) a schedule of organized and progressive work processes to be performed on the job has been prepared;

(c) the written agreement contains the name of the student-learner and is signed by the employer and by a person authorized to represent the educational authority or school; and

(d) copies of each agreement are kept on file by both the educational authority or school and by the employer.

(2) The prohibitions in [section 6(10)] do not apply to the employment of a minor 14 or 15 years of age in those occupations in which he has successfully completed a work training program, including safety instruction and training in the use of machinery, under the 4-H federal extension service or the United States department of education or a similar program if such safety program has been approved by the department and if the minor is employed outside school hours on the equipment for which he has been trained.

Section 8. Prohibited employment of minors under eighteen. Except as provided in [section 9], a minor 16 or 17 years of age may not be employed in or in connection with any of the following occupations:

(1) manufacturing or storing explosives or articles containing explosive components;

(2) motor vehicle driving and serving as outside helper;

(3) coal mining;

(4) logging and the operation of a sawmill, lath mill, shingle mill, or cooperage-stock mill;

(5) the operation of power-driven woodworking machines;

(6) occupations involving exposure to radioactive substances or ionizing radiation;

(7) the operation of elevators and other power-driven hoisting apparatus;

(8) the operation of power-driven metal forming, punching, and shearing machines;

(9) occupations in connection with mining, other than coal;

(10) slaughtering, meatpacking, processing, or rendering;

(11) the operation of power-driven bakery machines;

(12) the operation of power-driven paper products machines;

(13) the manufacture of brick, tile, and kindred products;

(14) the operation of circular saws, bandsaws, and guillotine shears;

(15) wrecking, demolition, and shipbreaking operations;

(16) roofing operations; and

(17) excavation operations.

1 Section 9. Exemptions from prohibited employment of
 2 minors under eighteen. (1) The prohibitions in subsections
 3 (5), (8), (10), (12), (14), (16), and (17) of [section 8] do
 4 not apply to the employment of an apprentice or
 5 student-learner of 16 or 17 years of age if he is employed
 6 under the following conditions:

7 (a) for an apprentice if:

8 (i) the apprentice is employed in a craft recognized
 9 as an apprenticeable trade;

10 (ii) the work of the apprentice is incidental to his
 11 training;

12 (iii) the work is intermittent, for short periods of
 13 time, and under the direct and close supervision of a
 14 journeyman as a necessary part of the apprentice training;
 15 and

16 (iv) the apprentice is registered by the bureau of
 17 apprenticeship and training of the U.S. department of labor
 18 as employed in accordance with the standards established by
 19 that bureau or is registered by the department as employed
 20 in accordance with the standards of the department;

21 (b) for a student-learner if:

22 (i) the student-learner is enrolled in a course of
 23 study and training in a cooperative vocational training
 24 program under a recognized state or local educational
 25 authority or in a course of study in a substantially similar

1 program conducted by a private school; and

2 (ii) the student-learner is employed under a written
 3 agreement providing that:

4 (A) the work of the student-learner must be incidental
 5 to his training;

6 (B) the work must be intermittent, for short periods
 7 of time, under the direct and close supervision of a
 8 qualified and experienced person;

9 (C) safety instruction must be given by the school and
 10 correlated by the employer with on-the-job training; and

11 (D) a schedule of organized and progressive work
 12 processes to be performed on the job has been prepared;

13 (iii) the written agreement contains the name of the
 14 student-learner and is signed by the employer and the school
 15 coordinator or principal; and

16 (iv) copies of each agreement are kept on file by both
 17 the educational authority or school and by the employer.

18 (2) This exemption for the employment of
 19 student-learners may be revoked by the department in any
 20 situation if the department finds that reasonable
 21 precautions have not been observed for the safety of minors
 22 employed thereunder.

23 (3) A high school graduate of 16 or 17 years of age
 24 may be employed in an occupation in which he has completed
 25 training as a student-learner as provided in this section.

1 Section 10. Working hours. (1) A minor 14 or 15 years
2 of age may not be employed before 7 a.m. or after 7 p.m.,
3 except that he may be employed until 9 p.m. from June 1
4 through Labor Day, or employed more than:

- 5 (a) 3 hours on any school day;
- 6 (b) 18 hours in any week when school is in session;
- 7 (c) 8 hours in any day when school is not in session;
- 8 (d) 40 hours in any week when school is not in
9 session; or
- 10 (e) 6 days a week.

11 (2) Notwithstanding the provisions of subsection (1)
12 of this section and subsection (1) of [section 5], a minor
13 14 or 15 years of age who is enrolled in and employed
14 pursuant to a school-supervised and school-administered work
15 experience or career exploration program approved by the
16 department may be employed up to 23 hours in any one week
17 when such program is in session, any portion of which may be
18 during school hours.

19 (3) Notwithstanding the provisions of subsection (1)
20 of this section, a minor between 12 and 16 years of age
21 engaged in delivering newspapers to the consumer may be so
22 engaged starting at 6 a.m., but for not more than 4 hours on
23 any school day or more than 28 hours in any one week when
24 school is in session or more than 5 hours on any day when
25 school is not in session and not later in the evening than

1 is prescribed in subsection (1) of this section.

2 (4) A minor 16 or 17 years of age enrolled in school
3 may not be employed in two or more establishments or
4 employed more than:

- 5 (a) 4 hours on any school day;
- 6 (b) 28 hours in any week when school is in session;
- 7 (c) 8 hours in any day when school is not in session;
- 8 (d) 48 hours in any week when school is not in
9 session; or
- 10 (e) 6 days a week.

11 (5) A minor may not be permitted to work more than 5
12 hours continuously without an interval of at least 30
13 minutes for a lunch period, and no period of less than 30
14 minutes may be considered to interrupt a continuous period
15 of work.

16 Section 11. Employment certificate. Before a minor is
17 employed in any occupation except in domestic service in a
18 private home, the employer of the minor shall obtain and
19 keep on file, accessible to any officer charged with
20 enforcement of [this act], an employment certificate issued
21 by a superintendent of schools or the department, attesting
22 to the age of the minor. A superintendent of schools who
23 issues a certificate under this section shall refer a copy
24 of this certificate to the department, and the department
25 shall retain a copy of each certificate issued by it.

1 Section 12. Enforcement -- right to enter and inspect
2 premises and records -- subpoena power. The department shall
3 enforce the provisions of [this act] and make complaints
4 against persons violating its provisions. The department may
5 enter and inspect at any time any place or establishment
6 covered by [this act] and have access to employment or age
7 certificates kept on file by the employer and such other
8 records as may aid in the enforcement of [this act]. The
9 department may subpoena the production of all documentary
10 evidence relating to an investigation under [this act].

11 Section 13. Power to adopt rules. The department shall
12 adopt rules, including definitions of terms, to carry out
13 the purposes of [this act] and to prevent the circumvention
14 or evasion thereof.

15 Section 14. Penalties. An employer who violates any of
16 the provisions of [this act] is guilty of a misdemeanor and
17 is punishable as provided in 46-18-212. Each day during
18 which any violation of [this act] continues constitutes a
19 separate and distinct offense, and the employment of any
20 minor in violation of [this act] constitutes, with respect
21 to each minor so employed, a separate and distinct offense.

22 Section 15. Severability. If a part of this act is
23 invalid, all valid parts that are severable from the invalid
24 part remain in effect. If a part of this act is invalid in
25 one or more of its applications, the part remains in effect

1 in all valid applications that are severable from the
2 invalid applications.

3 Section 16. Repealer. Sections 41-2-101 through
4 41-2-121, MCA, are repealed.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 359

3 House Labor and Employment Relations Committee

4
5 A statement of intent is required for this bill because
6 it grants the Department of Labor and Industry rulemaking
7 authority concerning child labor regulation. This bill
8 intends that the Department adopt rules insuring that each
9 child have an opportunity to work while at the same time
10 protecting the child's physical and moral well-being and the
11 educational process. The Department may look to the federal
12 law which this act is modeled after for guidance in
13 promulgating rules.

SECOND READING

APR 30

Approved by Committee
on Labor & Employment
Relations

HOUSE BILL NO. 359

INTRODUCED BY J. BROWN, PECK, BACHINI, J. HAMMOND

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
REVISION OF THE LAWS RELATING TO CHILD LABOR; REPEALING
SECTIONS 41-2-101 THROUGH 41-2-121, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [This act] may be cited as the
"Child Labor Standards Act".

Section 2. Definitions. Unless the context requires
otherwise, in [this act] the following definitions apply:

(1) "Agriculture" means farming in all its branches,
including the cultivation and tillage of the soil; dairying;
the production, cultivation, growing, and harvesting of any
agricultural or horticultural commodities (including
commodities defined as agricultural commodities in section
15(q) of the Federal Agricultural Marketing Act, as
amended); the raising of livestock, bees, fur-bearing
animals, or poultry; and any practices including forestry or
lumbering operations performed by a farmer or on a farm as
an incident to or in conjunction with farming operations,
including preparation for market or delivery to storage or
to market or to carriers for transportation to market.

(2) "Department" means the department of labor and
industry provided for in 2-15-1701.

(3) "Employed" includes permitted or suffered to work.

(4) "Employer" includes any individual, partnership,
association, corporation, business trust, or person or group
of persons acting directly or indirectly in the interest of
an employer in relation to an employee.

(5) "Minor" means any person under 18 years of age.

(6) "Occupation" means any occupation, service, trade,
business, industry, or branch or group of industries or
employment or class of employment in which employees are
employed.

Section 3. Exemptions. The provisions of [this act] do
not apply to a minor:

(1) engaged in domestic service or agricultural
pursuits performed outside school hours in connection with
the minor's own home or farm owned or operated by his parent
or by a person standing in place of his parent and who is
employed directly by the parent or person;

(2) employed on a campsite of a nonprofit corporation
engaged in citizenship training and character building,
during periods of school vacations;

(3) employed as an actor, model, or performer; or

(4) employed outside school hours by a householder in
casual work usual to the home of the householder and not in

1 connection with the householder's business, trade, or
2 profession and not in occupations otherwise specifically
3 prohibited by [this act].

4 Section 4. Employment of minors under fourteen. (1) A
5 minor under 14 years of age may not be employed in or in
6 connection with any occupation except as otherwise provided
7 in this section.

8 (2) Nothing in this section prohibits the employment
9 outside school hours of a minor 12 or 13 years old:

10 (a) in the delivery of newspapers to the consumer;

11 (b) in agriculture or in occupations not otherwise
12 prohibited by [this act], with written consent of the
13 minor's parent or person standing in place of his parent, or
14 on a farm where the parent or person is also employed.

15 Section 5. Employment of minors under sixteen. (1) A
16 minor 14 or 15 years of age may not be employed in any
17 occupation during school hours.

18 (2) A minor 14 or 15 years of age may be employed
19 outside school hours in the street trades occupations of
20 bootblacking and the distribution or sale of newspapers,
21 magazines, periodicals, or circulars, or similar
22 occupations.

23 (3) A minor 14 or 15 years of age may be employed
24 outside school hours in the following occupations in retail,
25 food service, and gasoline service establishments:

1 (a) office and clerical work, including the operation
2 of office machines;

3 (b) cashiering, selling, modeling, art work, work in
4 advertising departments, window trimming, and comparative
5 shopping;

6 (c) price marking and tagging by hand or by machine,
7 assembling orders, packing, and shelving;

8 (d) bagging and carrying out customers' orders;

9 (e) errand and delivery work by foot, bicycle, or
10 public transportation;

11 (f) cleanup work, including the use of vacuum cleaners
12 and floor waxers, and maintenance of grounds, but not
13 including the use of power-driven mowers or cutters;

14 (g) kitchen work and other work involved in preparing
15 and serving food and beverages, including the operation of
16 machines and devices used in the performance of such work,
17 such as but not limited to dishwashers, toasters,
18 dumbwaiters, popcorn poppers, milkshake blenders, and coffee
19 grinders;

20 (h) work in connection with cars and trucks if
21 confined to dispensing gasoline and oil; courtesy service;
22 car cleaning, washing, and polishing; and other occupations
23 permitted by this subsection (3); but not including work
24 involving the use of pits, racks, or lifting apparatus or
25 involving the inflation of any tire mounted on a rim

1 equipped with a removable ring; or
 2 (i) cleaning vegetables and fruits and wrapping,
 3 sealing, labeling, weighing, pricing, and stocking goods,
 4 when performed in areas physically separate from areas
 5 prohibited by this section.

6 Section 6. Prohibited employment of minors under
 7 sixteen. Except as provided for in [section 5(3)], a minor
 8 14 or 15 years of age may not be employed in:

- 9 (1) any manufacturing occupation;
- 10 (2) any mining occupation;
- 11 (3) processing occupations, such as filleting fish,
 12 dressing poultry, cracking nuts, or laundering and
 13 drycleaning;
- 14 (4) occupations requiring the performance of any
 15 duties in workrooms or workplaces where goods are
 16 manufactured, mined, or otherwise processed;
- 17 (5) the operation or tending of hoisting apparatus or
 18 of any power-driven machinery;
- 19 (6) the operation of motor vehicles or service as a
 20 helper on such vehicles;
- 21 (7) public messenger service;
- 22 (8) occupations in connection with transportation of
 23 persons or property by rail, highway, air, water, pipeline,
 24 or other means; with warehousing and storage; with
 25 communications and public utilities; and with construction

1 or repair;

2 (9) any of the following occupations in retail, food
 3 service, and gasoline service establishments:

- 4 (a) work performed in or about boiler or engine rooms;
- 5 (b) work in connection with maintenance or repair of
 6 the establishment, machines, or equipment;
- 7 (c) outside window washing that involves working from
 8 windowsills and all work requiring the use of ladders,
 9 scaffolds, or their substitutes;
- 10 (d) cooking, except at soda fountains, lunch counters,
 11 snack bars, or cafeteria serving counters, and baking;
- 12 (e) occupations that involve operating, assembling,
 13 adjusting, cleaning, oiling, or repairing power-driven food
 14 slicers and grinders, food choppers and cutters, and
 15 bakery-type mixers;
- 16 (f) work in freezers and meat coolers and all work in
 17 preparation of meats for sale except as permitted in
 18 [section 5(3)(i)];
- 19 (g) loading and unloading goods to and from trucks,
 20 railroad cars, or conveyors;
- 21 (h) all occupations in warehouses, except office and
 22 clerical work; or
- 23 (i) all occupations otherwise prohibited by [this
 24 act];
- 25 (10) any of the following occupations in agriculture:

1 (a) operating a tractor of over 20 PTO horsepower or
 2 connecting or disconnecting an implement or any of its parts
 3 to or from such a tractor or any machinery used in
 4 agriculture that is driven by any motor. The term
 5 "operating" as used in subsection (10)(a) includes operating
 6 and assisting in operating the various machines, including
 7 starting, stopping, adjusting, feeding, or any other
 8 activity involving physical contact associated with the
 9 operations of machinery;

10 (b) working with livestock used for breeding purposes
 11 or with livestock with young offsprings;

12 (c) felling, bucking, skidding, loading, or unloading
 13 timber with butt diameter of more than 6 inches;

14 (d) picking fruit, pruning trees, or repairing a
 15 building from a ladder or scaffold at a height of over 20
 16 feet;

17 (e) driving a bus, truck, or automobile when
 18 transporting passengers or riding on a tractor as a
 19 passenger or helper;

20 (f) working inside a fruit, forage, or grain storage
 21 structure designed to retain an oxygen-deficient or toxic
 22 atmosphere; an upright silo within 2 weeks after silage has
 23 been added or when a top unloading device is in operating
 24 position; a manure pit; or a horizontal silo while operating
 25 a tractor for packing purposes;

1 (g) handling agricultural chemicals classified as
 2 poisonous;

3 (h) handling or using a blasting agent, including but
 4 not limited to dynamite, black powder, sensitized ammonium
 5 nitrate, blasting caps, and primer cord; or

6 (i) transporting, transferring, or applying anhydrous
 7 ammonia.

8 Section 7. Exemptions from prohibited occupations in
 9 agriculture. (1) The prohibitions in [section 6(10)] do not
 10 apply to the employment of a student-learner 14 or 15 years
 11 of age in the occupations enumerated in subsections (10)(a)
 12 through (10)(d) of [section 6] if the following requirements
 13 are met:

14 (a) the student-learner is enrolled in a vocational
 15 education training program in agriculture under a recognized
 16 state or local educational authority or in a substantially
 17 similar program conducted by a private school;

18 (b) the student-learner is employed under a written
 19 agreement providing that:

20 (i) the work must be incidental to his training;

21 (ii) the work must be intermittent, for short periods
 22 of time, and under the direct and close supervision of a
 23 qualified and experienced person;

24 (iii) safety instruction must be given by the school
 25 and correlated by the employer with on-the-job training;

1 (iv) a schedule of organized and progressive work
2 processes to be performed on the job has been prepared;

3 (c) the written agreement contains the name of the
4 student-learner and is signed by the employer and by a
5 person authorized to represent the educational authority or
6 school; and

7 (d) copies of each agreement are kept on file by both
8 the educational authority or school and by the employer.

9 (2) The prohibitions in [section 6(10)] do not apply
10 to the employment of a minor 14 or 15 years of age in those
11 occupations in which he has successfully completed a work
12 training program, including safety instruction and training
13 in the use of machinery, under the 4-H federal extension
14 service or the United States department of education or a
15 similar program if such safety program has been approved by
16 the department and if the minor is employed outside school
17 hours on the equipment for which he has been trained.

18 Section 8. Prohibited employment of minors under
19 eighteen. Except as provided in [section 9], a minor 16 or
20 17 years of age may not be employed in or in connection with
21 any of the following occupations:

22 (1) manufacturing or storing explosives or articles
23 containing explosive components;

24 (2) motor vehicle driving and serving as outside
25 helper;

1 (3) coal mining;

2 (4) logging and the operation of a sawmill, lath mill,
3 shingle mill, or cooperage-stock mill;

4 (5) the operation of power-driven woodworking
5 machines;

6 (6) occupations involving exposure to radioactive
7 substances or ionizing radiation;

8 (7) the operation of elevators and other power-driven
9 hoisting apparatus;

10 (8) the operation of power-driven metal forming,
11 punching, and shearing machines;

12 (9) occupations in connection with mining, other than
13 coal;

14 (10) slaughtering, meatpacking, processing, or
15 rendering;

16 (11) the operation of power-driven bakery machines;

17 (12) the operation of power-driven paper products
18 machines;

19 (13) the manufacture of brick, tile, and kindred
20 products;

21 (14) the operation of circular saws, bandsaws, and
22 guillotine shears;

23 (15) wrecking, demolition, and shipbreaking operations;

24 (16) roofing operations; and

25 (17) excavation operations; AND

~~(18) OR BY ANY EMPLOYER WHO IS ENGAGED IN A LABOR DISPUTE.~~

Section 9. Exemptions from prohibited employment of minors under eighteen. (1) The prohibitions in subsections (5), (8), (10), (12), (14), (16), and (17) of [section 8] do not apply to the employment of an apprentice or student-learner of 16 or 17 years of age if he is employed under the following conditions:

(a) for an apprentice if:

(i) the apprentice is employed in a craft recognized as an apprenticeable trade;

(ii) the work of the apprentice is incidental to his training;

(iii) the work is intermittent, for short periods of time, and under the direct and close supervision of a journeyman as a necessary part of the apprentice training; and

(iv) the apprentice is registered by the bureau of apprenticeship and training of the U.S. department of labor as employed in accordance with the standards established by that bureau or is registered by the department as employed in accordance with the standards of the department;

(b) for a student-learner if:

(i) the student-learner is enrolled in a course of study and training in a cooperative vocational training

program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school; and

(ii) the student-learner is employed under a written agreement providing that:

(A) the work of the student-learner must be incidental to his training;

(B) the work must be intermittent, for short periods of time, under the direct and close supervision of a qualified and experienced person;

(C) safety instruction must be given by the school and correlated by the employer with on-the-job training; and

(D) a schedule of organized and progressive work processes to be performed on the job has been prepared;

(iii) the written agreement contains the name of the student-learner and is signed by the employer and the school coordinator or principal; and

(iv) copies of each agreement are kept on file by both the educational authority or school and by the employer.

(2) This exemption for the employment of student-learners may be revoked by the department in any situation if the department finds that reasonable precautions have not been observed for the safety of minors employed thereunder.

(3) A high school graduate of 16 or 17 years of age

1 may be employed in an occupation in which he has completed
2 training as a student-learner as provided in this section.

3 Section 10. Working hours. (1) A minor 14 or 15 years
4 of age may not be employed before 7 a.m. or after 7 p.m.,
5 except that he may be employed until 9 p.m. from June 1
6 through Labor Day, or employed more than:

- 7 (a) 3 hours on any school day;
- 8 (b) 18 hours in any week when school is in session;
- 9 (c) 8 hours in any day when school is not in session;
- 10 (d) 40 hours in any week when school is not in
11 session; or
- 12 (e) 6 days a week.

13 (2) Notwithstanding the provisions of subsection (1)
14 of this section and subsection (1) of [section 5], a minor
15 14 or 15 years of age who is enrolled in and employed
16 pursuant to a school-supervised and school-administered work
17 experience or career exploration program approved by the
18 department may be employed up to 23 hours in any one week
19 when such program is in session, any portion of which may be
20 during school hours.

21 (3) Notwithstanding the provisions of subsection (1)
22 of this section, a minor between 12 and 16 years of age
23 engaged in delivering newspapers to the consumer may be so
24 engaged starting at 6 a.m., but for not more than 4 hours on
25 any school day or more than 28 hours in any one week when

1 school is in session or more than 5 hours on any day when
2 school is not in session and not later in the evening than
3 is prescribed in subsection (1) of this section.

4 ~~(4) A minor 16 or 17 years of age enrolled in school~~
5 ~~may not be employed in two or more establishments or~~
6 ~~employed more than~~

- 7 ~~(a) 4 hours on any school day~~
- 8 ~~(b) 28 hours in any week when school is in session~~
- 9 ~~(c) 8 hours in any day when school is not in session~~
- 10 ~~(d) 48 hours in any week when school is not in~~
11 ~~session or~~
- 12 ~~(e) 6 days a week~~

13 ~~(5)(4)~~ A minor may not be permitted to work more than
14 5 hours continuously without an interval of at least 30
15 minutes for a lunch period, and no period of less than 30
16 minutes may be considered to interrupt a continuous period
17 of work.

18 Section 11. Employment certificate. Before a minor is
19 employed in any occupation except in domestic service in a
20 private home, the employer of the minor shall obtain and
21 keep on file, accessible to any officer charged with
22 enforcement of [this act], an employment certificate issued
23 by a superintendent of schools or the department, attesting
24 to the age of the minor. A superintendent of schools who
25 issues a certificate under this section shall refer a copy

1 of this certificate to the department, and the department
2 shall retain a copy of each certificate issued by it.

3 Section 12. Enforcement -- right to enter and inspect
4 premises and records -- subpoena power. The department shall
5 enforce the provisions of [this act] and make complaints
6 against persons violating its provisions. The department may
7 enter and inspect at any time any place or establishment
8 covered by [this act] and have access to employment or age
9 certificates kept on file by the employer and such other
10 records as may aid in the enforcement of [this act]. The
11 department may subpoena the production of all documentary
12 evidence relating to an investigation under [this act].

13 Section 13. Power to adopt rules. The department shall
14 adopt rules, including definitions of terms, to carry out
15 the purposes of [this act] and to prevent the circumvention
16 or evasion thereof.

17 Section 14. Penalties. An employer who violates any of
18 the provisions of [this act] is guilty of a misdemeanor and
19 is punishable as provided in 46-18-212. Each day during
20 which any violation of [this act] continues constitutes a
21 separate and distinct offense, and the employment of any
22 minor in violation of [this act] constitutes, with respect
23 to each minor so employed, a separate and distinct offense.

24 Section 15. Severability. If a part of this act is
25 invalid, all valid parts that are severable from the invalid

1 part remain in effect. If a part of this act is invalid in
2 one or more of its applications, the part remains in effect
3 in all valid applications that are severable from the
4 invalid applications.

5 Section 16. Repealer. Sections 41-2-101 through
6 41-2-121, MCA, are repealed.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 359

3 House Labor and Employment Relations Committee

4

5 A statement of intent is required for this bill because

6 it grants the Department of Labor and Industry rulemaking

7 authority concerning child labor regulation. This bill

8 intends that the Department adopt rules insuring that each

9 child have an opportunity to work while at the same time

10 protecting the child's physical and moral well-being and the

11 educational process. The Department may look to the federal

12 law which this act is modeled after for guidance in

13 promulgating rules.

THIRD READING

HB 359

HOUSE BILL NO. 359

INTRODUCED BY J. BROWN, PECK, BACHINI, J. HAMMOND

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
REVISION OF THE LAWS RELATING TO CHILD LABOR; REPEALING
SECTIONS 41-2-101 THROUGH 41-2-121, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [This act] may be cited as the
"Child Labor Standards Act".

Section 2. Definitions. Unless the context requires
otherwise, in [this act] the following definitions apply:

(1) "Agriculture" means farming in all its branches,
including the cultivation and tillage of the soil; dairying;
the production, cultivation, growing, and harvesting of any
agricultural or horticultural commodities (including
commodities defined as agricultural commodities in section
15(g) of the Federal Agricultural Marketing Act, as
amended); the raising of livestock, bees, fur-bearing
animals, or poultry; and any practices including forestry or
lumbering operations performed by a farmer or on a farm as
an incident to or in conjunction with farming operations,
including preparation for market or delivery to storage or
to market or to carriers for transportation to market.

(2) "Department" means the department of labor and
industry provided for in 2-15-1701.

(3) "Employed" includes permitted or suffered to work.

(4) "Employer" includes any individual, partnership,
association, corporation, business trust, or person or group
of persons acting directly or indirectly in the interest of
an employer in relation to an employee.

(5) "Minor" means any person under 18 years of age.

(6) "Occupation" means any occupation, service, trade,
business, industry, or branch or group of industries or
employment or class of employment in which employees are
employed.

Section 3. Exemptions. The provisions of [this act] do
not apply to a minor:

(1) engaged in domestic service or agricultural
pursuits performed outside school hours in connection with
the minor's own home or farm owned or operated by his parent
or by a person standing in place of his parent and who is
employed directly by the parent or person;

(2) employed on a campsite of a nonprofit corporation
engaged in citizenship training and character building,
during periods of school vacations;

(3) employed as an actor, model, or performer; or

(4) employed outside school hours by a householder in
casual work usual to the home of the householder and not in

1 connection with the householder's business, trade, or
 2 profession and not in occupations otherwise specifically
 3 prohibited by [this act].

4 Section 4. Employment of minors under fourteen. (1) A
 5 minor under 14 years of age may not be employed in or in
 6 connection with any occupation except as otherwise provided
 7 in this section.

8 (2) Nothing in this section prohibits the employment
 9 outside school hours of a minor 12 or 13 years old:

10 (a) in the delivery of newspapers to the consumer;

11 (b) in agriculture or in occupations not otherwise
 12 prohibited by [this act], with written consent of the
 13 minor's parent or person standing in place of his parent, or
 14 on a farm where the parent or person is also employed.

15 Section 5. Employment of minors under sixteen. (1) A
 16 minor 14 or 15 years of age may not be employed in any
 17 occupation during school hours.

18 (2) A minor 14 or 15 years of age may be employed
 19 outside school hours in the street trades occupations of
 20 bootblackening and the distribution or sale of newspapers,
 21 magazines, periodicals, or circulars, or similar
 22 occupations.

23 (3) A minor 14 or 15 years of age may be employed
 24 outside school hours in the following occupations in retail,
 25 food service, and gasoline service establishments:

1 (a) office and clerical work, including the operation
 2 of office machines;

3 (b) cashiering, selling, modeling, art work, work in
 4 advertising departments, window trimming, and comparative
 5 shopping;

6 (c) price marking and tagging by hand or by machine,
 7 assembling orders, packing, and shelving;

8 (d) bagging and carrying out customers' orders;

9 (e) errand and delivery work by foot, bicycle, or
 10 public transportation;

11 (f) cleanup work, including the use of vacuum cleaners
 12 and floor waxers, and maintenance of grounds, but not
 13 including the use of power-driven mowers or cutters;

14 (g) kitchen work and other work involved in preparing
 15 and serving food and beverages, including the operation of
 16 machines and devices used in the performance of such work,
 17 such as but not limited to dishwashers, toasters,
 18 dumbwaiters, popcorn poppers, milkshake blenders, and coffee
 19 grinders;

20 (h) work in connection with cars and trucks if
 21 confined to dispensing gasoline and oil; courtesy service;
 22 car cleaning, washing, and polishing; and other occupations
 23 permitted by this subsection (3); but not including work
 24 involving the use of pits, racks, or lifting apparatus or
 25 involving the inflation of any tire mounted on a rim

1 equipped with a removable ring; or

2 (1) cleaning vegetables and fruits and wrapping,

3 sealing, labeling, weighing, pricing, and stocking goods,

4 when performed in areas physically separate from areas

5 prohibited by this section.

6 Section 6. Prohibited employment of minors under

7 sixteen. Except as provided for in [section 5(3)], a minor

8 14 or 15 years of age may not be employed in:

9 (1) any manufacturing occupation;

10 (2) any mining occupation;

11 (3) processing occupations, such as filleting fish,

12 dressing poultry, cracking nuts, or laundering and

13 drycleaning;

14 (4) occupations requiring the performance of any

15 duties in workrooms or workplaces where goods are

16 manufactured, mined, or otherwise processed;

17 (5) the operation or tending of hoisting apparatus or

18 of any power-driven machinery;

19 (6) the operation of motor vehicles or service as a

20 helper on such vehicles;

21 (7) public messenger service;

22 (8) occupations in connection with transportation of

23 persons or property by rail, highway, air, water, pipeline,

24 or other means; with warehousing and storage; with

25 communications and public utilities; and with construction

1 or repair;

2 (9) any of the following occupations in retail, food

3 service, and gasoline service establishments:

4 (a) work performed in or about boiler or engine rooms;

5 (b) work in connection with maintenance or repair of

6 the establishment, machines, or equipment;

7 (c) outside window washing that involves working from

8 windowsills and all work requiring the use of ladders,

9 scaffolds, or their substitutes;

10 (d) cooking, except at soda fountains, lunch counters,

11 snack bars, or cafeteria serving counters, and baking;

12 (e) occupations that involve operating, assembling,

13 adjusting, cleaning, oiling, or repairing power-driven food

14 slicers and grinders, food choppers and cutters, and

15 bakery-type mixers;

16 (f) work in freezers and meat coolers and all work in

17 preparation of meats for sale except as permitted in

18 [section 5(3)(i)];

19 (g) loading and unloading goods to and from trucks,

20 railroad cars, or conveyors;

21 (h) all occupations in warehouses, except office and

22 clerical work; or

23 (i) all occupations otherwise prohibited by [this

24 act];

25 (10) any of the following occupations in agriculture:

1 (a) operating a tractor of over 20 PTO horsepower or
 2 connecting or disconnecting an implement or any of its parts
 3 to or from such a tractor or any machinery used in
 4 agriculture that is driven by any motor. The term
 5 "operating" as used in subsection (10)(a) includes operating
 6 and assisting in operating the various machines, including
 7 starting, stopping, adjusting, feeding, or any other
 8 activity involving physical contact associated with the
 9 operations of machinery;

10 (b) working with livestock used for breeding purposes
 11 or with livestock with young offspring;

12 (c) felling, bucking, skidding, loading, or unloading
 13 timber with butt diameter of more than 6 inches;

14 (d) picking fruit, pruning trees, or repairing a
 15 building from a ladder or scaffold at a height of over 20
 16 feet;

17 (e) driving a bus, truck, or automobile when
 18 transporting passengers or riding on a tractor as a
 19 passenger or helper;

20 (f) working inside a fruit, forage, or grain storage
 21 structure designed to retain an oxygen-deficient or toxic
 22 atmosphere; an upright silo within 2 weeks after silage has
 23 been added or when a top unloading device is in operating
 24 position; a manure pit; or a horizontal silo while operating
 25 a tractor for packing purposes;

1 (g) handling agricultural chemicals classified as
 2 poisonous;

3 (h) handling or using a blasting agent, including but
 4 not limited to dynamite, black powder, sensitized ammonium
 5 nitrate, blasting caps, and primer cord; or

6 (i) transporting, transferring, or applying anhydrous
 7 ammonia.

8 Section 7. Exemptions from prohibited occupations in
 9 agriculture. (1) The prohibitions in [section 6(10)] do not
 10 apply to the employment of a student-learner 14 or 15 years
 11 of age in the occupations enumerated in subsections (10)(a)
 12 through (10)(d) of [section 6] if the following requirements
 13 are met:

14 (a) the student-learner is enrolled in a vocational
 15 education training program in agriculture under a recognized
 16 state or local educational authority or in a substantially
 17 similar program conducted by a private school;

18 (b) the student-learner is employed under a written
 19 agreement providing that:

20 (i) the work must be incidental to his training;

21 (ii) the work must be intermittent, for short periods
 22 of time, and under the direct and close supervision of a
 23 qualified and experienced person;

24 (iii) safety instruction must be given by the school
 25 and correlated by the employer with on-the-job training;

1 (iv) a schedule of organized and progressive work
2 processes to be performed on the job has been prepared;

3 (c) the written agreement contains the name of the
4 student-learner and is signed by the employer and by a
5 person authorized to represent the educational authority or
6 school; and

7 (d) copies of each agreement are kept on file by both
8 the educational authority or school and by the employer.

9 (2) The prohibitions in [section 6(10)] do not apply
10 to the employment of a minor 14 or 15 years of age in those
11 occupations in which he has successfully completed a work
12 training program, including safety instruction and training
13 in the use of machinery, under the 4-H federal extension
14 service or the United States department of education or a
15 similar program if such safety program has been approved by
16 the department and if the minor is employed outside school
17 hours on the equipment for which he has been trained.

18 Section 8. Prohibited employment of minors under
19 eighteen. Except as provided in [section 9], a minor 16 or
20 17 years of age may not be employed in or in connection with
21 any of the following occupations:

22 (1) manufacturing or storing explosives or articles
23 containing explosive components;

24 (2) motor vehicle driving and serving as outside
25 helper;

1 (3) coal mining;

2 (4) logging and the operation of a sawmill, lath mill,
3 shingle mill, or cooperage-stock mill;

4 (5) the operation of power-driven woodworking
5 machines;

6 (6) occupations involving exposure to radioactive
7 substances or ionizing radiation;

8 (7) the operation of elevators and other power-driven
9 hoisting apparatus;

10 (8) the operation of power-driven metal forming,
11 punching, and shearing machines;

12 (9) occupations in connection with mining, other than
13 coal;

14 (10) slaughtering, meatpacking, processing, or
15 rendering;

16 (11) the operation of power-driven bakery machines;

17 (12) the operation of power-driven paper products
18 machines;

19 (13) the manufacture of brick, tile, and kindred
20 products;

21 (14) the operation of circular saws, bandsaws, and
22 guillotine shears;

23 (15) wrecking, demolition, and shipbreaking operations;

24 (16) roofing operations; and

25 (17) excavation operations; AND

~~(18) OR BY ANY EMPLOYER WHO IS ENGAGED IN A LABOR DISPUTE.~~

Section 9. Exemptions from prohibited employment of minors under eighteen. (1) The prohibitions in subsections (5), (8), (10), (12), (14), (16), and (17) of [section 8] do not apply to the employment of an apprentice or student-learner of 16 or 17 years of age if he is employed under the following conditions:

(a) for an apprentice if:

(i) the apprentice is employed in a craft recognized as an apprenticeable trade;

(ii) the work of the apprentice is incidental to his training;

(iii) the work is intermittent, for short periods of time, and under the direct and close supervision of a journeyman as a necessary part of the apprentice training; and

(iv) the apprentice is registered by the bureau of apprenticeship and training of the U.S. department of labor as employed in accordance with the standards established by that bureau or is registered by the department as employed in accordance with the standards of the department;

(b) for a student-learner if:

(i) the student-learner is enrolled in a course of study and training in a cooperative vocational training

program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school; and

(ii) the student-learner is employed under a written agreement providing that:

(A) the work of the student-learner must be incidental to his training;

(B) the work must be intermittent, for short periods of time, under the direct and close supervision of a qualified and experienced person;

(C) safety instruction must be given by the school and correlated by the employer with on-the-job training; and

(D) a schedule of organized and progressive work processes to be performed on the job has been prepared;

(iii) the written agreement contains the name of the student-learner and is signed by the employer and the school coordinator or principal; and

(iv) copies of each agreement are kept on file by both the educational authority or school and by the employer.

(2) This exemption for the employment of student-learners may be revoked by the department in any situation if the department finds that reasonable precautions have not been observed for the safety of minors employed thereunder.

(3) A high school graduate of 16 or 17 years of age

1 may be employed in an occupation in which he has completed
2 training as a student-learner as provided in this section.

3 Section 10. Working hours. (1) A minor 14 or 15 years
4 of age may not be employed before 7 a.m. or after 7 p.m.,
5 except that he may be employed until 9 p.m. from June 1
6 through Labor Day, or employed more than:

- 7 (a) 3 hours on any school day;
- 8 (b) 18 hours in any week when school is in session;
- 9 (c) 8 hours in any day when school is not in session;
- 10 (d) 40 hours in any week when school is not in
11 session; or

- 12 (e) 6 days a week.

13 (2) Notwithstanding the provisions of subsection (1)
14 of this section and subsection (1) of [section 5], a minor
15 14 or 15 years of age who is enrolled in and employed
16 pursuant to a school-supervised and school-administered work
17 experience or career exploration program approved by the
18 department may be employed up to 23 hours in any one week
19 when such program is in session, any portion of which may be
20 during school hours.

21 (3) Notwithstanding the provisions of subsection (1)
22 of this section, a minor between 12 and 16 years of age
23 engaged in delivering newspapers to the consumer may be so
24 engaged starting at 6 a.m., but for not more than 4 hours on
25 any school day or more than 28 hours in any one week when

1 school is in session or more than 5 hours on any day when
2 school is not in session and not later in the evening than
3 is prescribed in subsection (1) of this section.

4 ~~(4) A minor 16 or 17 years of age enrolled in school~~
5 ~~may not be employed in two or more establishments or~~
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7 ~~(a) 4 hours on any school day;~~

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14 5 hours continuously without an interval of at least 30
15 minutes for a lunch period, and no period of less than 30
16 minutes may be considered to interrupt a continuous period
17 of work.

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19 employed in any occupation except in domestic service in a
20 private home, the employer of the minor shall obtain and
21 keep on file, accessible to any officer charged with
22 enforcement of [this act], an employment certificate issued
23 by a superintendent of schools or the department, attesting
24 to the age of the minor. A superintendent of schools who
25 issues a certificate under this section shall refer a copy

1 of this certificate to the department, and the department
2 shall retain a copy of each certificate issued by it.

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9 certificates kept on file by the employer and such other
10 records as may aid in the enforcement of [this act]. The
11 department may subpoena the production of all documentary
12 evidence relating to an investigation under [this act].

13 Section 13. Power to adopt rules. The department shall
14 adopt rules, including definitions of terms, to carry out
15 the purposes of [this act] and to prevent the circumvention
16 or evasion thereof.

17 Section 14. Penalties. An employer who violates any of
18 the provisions of [this act] is guilty of a misdemeanor and
19 is punishable as provided in 46-18-212. Each day during
20 which any violation of [this act] continues constitutes a
21 separate and distinct offense, and the employment of any
22 minor in violation of [this act] constitutes, with respect
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24 Section 15. Severability. If a part of this act is
25 invalid, all valid parts that are severable from the invalid

1 part remain in effect. If a part of this act is invalid in
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4 invalid applications.

5 Section 16. Repealer. Sections 41-2-101 through
6 41-2-121, MCA, are repealed.

-End-