

ACT 162

H. B. NO. 282

A Bill for an Act Relating to Employment of Minors Under Eighteen Years of Age and Repealing Section 88-22, Revised Laws of Hawaii 1955.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 88-22, Revised Laws of Hawaii 1955 is repealed.

SECTION 2. The Revised Laws of Hawaii 1955 is amended by adding thereto a new chapter as follows:

“CHAPTER

“CHILD LABOR LAW

“Section 1. Definitions. As used in this chapter: (1) ‘Department’ means the department of labor and industrial relations.

(2) 'Director' means the director of labor and industrial relations.

(3) 'Employer' includes any individual, partnership, association, joint stock company, trust, corporation, the administrator or executor of the estate of a deceased individual or the receiver, trustee, or successor of any of the same, employing any person, but shall not include the State or any political subdivision thereof or the United States.

(4) 'Gainful occupation' means any activity which produces pecuniary gain for any person or persons connected therewith.

(5) 'Theatrical employment' means gainful occupation as a model, dancer, singer, musician, entertainer or motion picture, television, radio or theatrical performer.

Section 2. Employment of minors under eighteen years of age. (a) No minor under eighteen years of age shall be employed or permitted to work in, about or in connection with any gainful occupation at any time except as otherwise provided in this section. In no event, however, shall the minor be permitted to be employed or permitted to work in, about or in connection with any gainful occupation prohibited by law or which has been declared by rule or regulation of the director to be hazardous for the minor.

(b) A minor who has attained the age of sixteen years but not eighteen years may be employed during periods when he is not legally required to attend school or when he is excused by school authorities from attending school; provided that the employer of the minor records and keeps on file the number of a valid certificate of age issued to the minor by the department.

(c) A minor who has attained the age of fourteen years but not sixteen years may be employed or permitted to work:

(1) during periods when he is not legally required to attend school or when he is excused by school authorities from attending school; and

(2) if the employer of the minor procures and keeps on file a valid certificate of employment; and

(3) no more than five hours continuously without an interval of at least thirty consecutive minutes for a rest or lunch period; and

(4) no more than six consecutive days nor more than forty hours in any one week, nor more than eight hours in any one day, nor before 7:00 a.m. nor after 7:00 p.m. of any day; provided that from June 1 through the day before Labor Day of each year he may be employed between 6:00 a.m. and 8:00 p.m. The combined hours of work and hours in school of the minor employed outside school hours shall not exceed ten in a day.

(d) A minor under fourteen years of age may be employed or permitted to work in theatrical employment or in harvesting of coffee under circumstances and conditions prescribed by the director by regulation; provided that:

(1) the work is performed during periods when he is not legally required to attend school or when he is excused by school authorities from attending school;

(2) with respect to employment in harvesting of coffee, the director has determined after a public hearing that sufficient adult labor to perform the work is unavailable; and

(3) the employer of the minor procures and keeps on file a valid certificate of employment.

Section 3. Certificates of employment and age. (a) Certificates of employment and age shall be issued by persons appointed by the director in the form and under conditions prescribed by the director.

(b) A person designated to issue certificates of employment may refuse to issue a certificate if in his judgment the nature of the employment or the place thereof is such as to injuriously affect the health, safety or well-being of the minor or contribute toward his delinquency.

(c) Every employer receiving a certificate of employment shall return the certificate to the department immediately after termination of the employment showing thereon the date of termination.

(d) The department may destroy or dispose of any certificate of employment on file which was issued on behalf of a minor who has attained the age of eighteen years and any application for a certificate of employment or age which was filed with the department more than five years prior to the destruction or disposition.

Section 4. Suspension, revocation, invalidation of certificate. The director may suspend, revoke or invalidate any certificate of employment or age if in his judgment it was improperly issued, the minor is illegally employed, or the nature or condition of employment is such as to injuriously affect the health, safety or well-being of the minor or contribute toward his delinquency.

Section 5. Exceptions. This chapter shall not apply to any minor employed:

(1) by his parent or legal guardian during periods when the minor is not legally required to attend school or when he is excused by school authorities from attending school in an occupation which has not been declared by rule or regulation of the director to be hazardous; or

(2) in the performance of work in connection with the sale or distribution of newspapers; or

(3) in domestic service in or about the private home of the employer; or

(4) as a golf caddy; or

(5) by any religious, charitable or non-profit organization in exempt employment as prescribed by the director by rule or regulation.

Section 6. Rules and regulations. The director may adopt rules and regulations for the purpose of carrying out this chapter and may, by rules or regulations, make variation in the number of hours or days or the hours of commencement or termination of the work day specified in Section 2c(4) where the variation will not be detrimental to the health or well-being of a minor.

Section 7. Penalty. Any person who wilfully violates any provision of this chapter shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SECTION 3. Notwithstanding the adoption of Act 16, Session Laws of

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Hawaii 1968, this Act shall have full force according to its intent. Upon the taking effect of this Act or the Hawaii Revised Statutes, whichever occurs later, this Act shall be construed to be in amendment of or in addition to the Hawaii Revised Statutes, all references in this Act being construed to refer to the applicable or corresponding provisions of the Hawaii Revised Statutes.

The Revisor of Statutes may reword and renumber the references in this Act and make such other formal or verbal changes as may be necessary to conform with the Hawaii Revised Statutes.

SECTION 4. This Act shall take effect on August 1, 1969.

(Approved July 8, 1969.)