

CHAPTER 261—S.F.No. 53

An act relating to labor; regulating employment of children; establishing a child labor curfew; providing penalties; amending Minnesota Statutes 1992, sections 181A.04, by adding a subdivision; and 181A.12.

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

Section 1. Minnesota Statutes 1992, section 181A.04, is amended by adding a subdivision to read:

Subd. 6. A high school student under the age of 18 must not be permitted to work after 11:00 p.m. on an evening before a school day or before 5:00 a.m. on a school day, except as permitted by section 181A.07, subdivisions 1, 2, 3, and 4. If a high school student under the age of 18 has supplied the employer with a note signed by the parent or guardian of the student, the student may be permitted to work until 11:30 p.m. on the evening before a school day and beginning at 4:30 a.m. on a school day.

For the purpose of this subdivision, a high school student does not include a student enrolled in an alternative education program approved by the state board of education or an area learning center, including area learning centers under sections 124A.45 to 124C.48 or according to section 121.11, subdivision 12.

Sec. 2. Minnesota Statutes 1992, section 181A.12, is amended to read:

181A.12 PENALTIES.

Subdivision 1. **FINES; PENALTY.** Any employer who hinders or delays the department or its authorized representative in the performance of its duties under sections 181A.01 to 181A.12 or refuses to admit the commissioner or an authorized representative to any place of employment or refuses to make certificates or lists available as required by sections 181A.01 to 181A.12, or otherwise violates any provisions of sections 181A.01 to 181A.12 or any rules issued pursuant thereto shall be assessed a fine to be paid to the commissioner for deposit in the general fund. The fine may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the commissioner has an office. Fines are in the amounts as follows:

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| (a) employment of minors under the age of 14
(each employee) | \$ 50 |
| (b) employment of minors under the age of 16
during school hours while school is in session
(each employee) | 50 |
| (c) employment of minors under the age of 16
before 7:00 a.m. (each employee) | 50 |
| (d) employment of minors under the age of 16
after 9:00 p.m. (each employee) | 50 |

New language is indicated by underline, deletions by ~~strikeout~~.

(e) <u>employment of a high school student under the age of 18 in violation of section 181A.04, subdivision 6 (each employee)</u>	<u>100</u>
(f) employment of minors under the age of 16 over eight hours a day (each employee)	50
(g) employment of minors under the age of 16 over 40 hours a week (each employee)	50
(h) employment of minors under the age of 18 in occupations hazardous or detrimental to their well-being as defined by rule (each employee)	100
(i) employment of minors under the age of 16 in occupations hazardous or detrimental to their well-being as defined by rule (each employee)	100
(j) minors under the age of 18 injured in hazardous employment (each employee)	500
(k) minors employed without proof of age (each employee)	<u>\$ 25</u>

An employer who refuses to make certificates or lists available as required by sections 181A.01 to 181A.12 shall be assessed a \$500 fine.

~~An employer who engages in repeated violations of sections 181A.01 to 181A.12 is also guilty of a gross misdemeanor.~~

Subd. 2. **MISDEMEANOR.** Any An employer or other person violating any provision of sections 181A.01 to 181A.12 excluding section 181A.04, subdivision 6, or any rules issued pursuant thereto or assisting another in such violation is guilty of a misdemeanor.

Subd. 3. **GROSS MISDEMEANOR.** An employer who engages in repeated violations of sections 181A.01 to 181A.12 excluding section 181A.04, subdivision 6, is also guilty of a gross misdemeanor. An employer who engages in a single violation of sections 181A.01 to 181A.12 excluding section 181A.04, subdivision 6, is guilty of a gross misdemeanor if the violation results in the death of the minor or substantial bodily harm to the minor. For purposes of this subdivision, "substantial bodily harm" has the meaning given in section 609.02, subdivision 7a.

Presented to the governor May 15, 1993

Signed by the governor May 19, 1993, 2:08 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.