

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 01-0623.01 Duane Gall

HOUSE BILL 01-1347

HOUSE SPONSORSHIP

Lee, Fairbank, Groff, Marshall, and Rhodes

SENATE SPONSORSHIP

Hagedorn,

House Committees

Civil Justice & Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REVISIONS TO THE "COLORADO YOUTH EMPLOYMENT**
102 **OPPORTUNITY ACT OF 1971".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Shifts the focus of the state's youth employment laws from a collaboration among employers, young employees, and the schools to a collaboration among employers, young employees, and parents with deference to the need to coordinate work and study. Changes the short title of the article to the "Colorado Youth Employment Opportunity Act of 2001".

Defines the term "emancipated minor". Exempts emancipated minors from some of the limitations on hours of work during a school

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 23, 2001

week. Repeals existing language that allows the director of the division of labor in the department of labor and employment (director) to grant individual exemptions "in the best interests of the minor involved" but without the need to consult with parents, requiring instead that the director promulgate rules under which exemptions may be granted subject to the consent of a parent or guardian of any unemancipated minor. Requires such rules to be adopted in accordance with the "State Administrative Procedure Act" and to be consistent with applicable federal law and rules.

Repeals existing statutory provisions specifying the permissible occupations for children 9-11, 12-13, and 14-16, replacing them with a requirement that the director adopt rules covering this subject matter in accordance with the "State Administrative Procedure Act" and consistent with the federal "Fair Labor Standards Act of 1938" and rules of the U.S. secretary of labor. Makes a similar revision of statutory provisions specifying hazardous occupations in which minors shall not be permitted to work regardless of parental consent or emancipated status.

Replaces the current provisions allowing, but not requiring, an employer to have a minor submit an age certificate with provisions requiring an employer to obtain documentation of a minor's age at the time of hiring and to maintain copies of such documentation on file for inspection by the division of labor. Eliminates provisions allowing, but not requiring, an employer to have a minor submit proof of a high school diploma or equivalent document.

Repeals the current requirement for a school release permit.

Makes a conforming amendment to penalty provisions that were changed in the 2000 session of the general assembly.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 8-12-101, Colorado Revised Statutes, is amended
3 to read:

4 **8-12-101. Short title.** This article shall be known and may be
5 cited as the "Colorado Youth Employment Opportunity Act of ~~1971~~
6 2001".

7 **SECTION 2.** 8-12-102 (1), Colorado Revised Statutes, is
8 amended to read:

9 **8-12-102. Legislative declaration.** (1) It is the policy of this
10 state to foster the economic, social, and educational development of young

1 people through employment. Work is an integral factor in providing a
2 sense of purpose, direction, and ~~self-esteem~~ SELF-RESPECT necessary to
3 the overall physical and mental health of an individual. ~~In the first part of~~
4 ~~this century, state and federal laws and regulations were needed to prevent~~
5 ~~the exploitation of child labor. Unfortunately, such legislation also has~~
6 ~~tended, on occasion, to limit and curtail opportunities for minors to~~
7 ~~participate in reasonable work experiences.~~ Young people, especially
8 those who have completed high school or occupational training and no
9 longer are in school, should not be denied employment opportunities
10 because of arbitrary minimum age limits. Work, however, should be
11 ~~coordinated with schooling~~ TAKEN ON SUBJECT TO CONSULTATION WITH,
12 AND IN COOPERATION WITH, A YOUNG PERSON'S PARENTS OR GUARDIAN
13 wherever appropriate. Work and study combined must be developed in
14 the interest of the ~~youth~~ YOUNG PERSON to be trained, THROUGH A
15 RELATIONSHIP AMONG THE EMPLOYER, THE YOUNG PERSON, AND HIS OR
16 HER PARENTS OR GUARDIAN.

17 **SECTION 3.** 8-12-103 (6) and (7), Colorado Revised Statutes, are
18 amended, and the said 8-12-103 is further amended BY THE ADDITION
19 OF THE FOLLOWING NEW SUBSECTIONS, to read:

20 **8-12-103. Definitions.** As used in this article, unless the context
21 otherwise requires:

22 (3.5) "EMANCIPATED MINOR" MEANS ANY INDIVIDUAL UNDER
23 EIGHTEEN YEARS OF AGE WHO:

24 (a) HAS THE SOLE OR PRIMARY RESPONSIBILITY FOR HIS OR HER
25 OWN SUPPORT;

26 (b) IS MARRIED AND LIVING AWAY FROM PARENTS OR GUARDIAN;

27 (c) IS ABLE TO SHOW THAT HIS OR HER WELL-BEING IS

1 SUBSTANTIALLY DEPENDENT UPON BEING GAINFULLY EMPLOYED; OR

2 (d) IS AT LEAST SEVENTEEN YEARS OF AGE AND HAS GRADUATED
3 FROM HIGH SCHOOL OR OBTAINED A GENERAL EQUIVALENCY DIPLOMA.

4 (5.5) "NONSCHOOL WEEK" MEANS A WEEK THAT CONTAINS TWO OR
5 FEWER SCHOOL DAYS.

6 (6) "School day" means any day ~~when normal classes are in~~
7 ~~session~~ during the regular school year in the school district WHEN:

8 (a) CLASSES ARE IN SESSION; AND

9 (b) STUDENTS ARE PROVIDED AT LEAST FOUR HOURS OF
10 CLASSROOM INSTRUCTION.

11 (7) "School hours" means that period OF A SCHOOL DAY during
12 which the student is expected to be in THE STUDENT'S school ~~in the school~~
13 ~~district~~ OF ENROLLMENT OR HOME-BASED EDUCATIONAL PROGRAM.

14 (8) "SCHOOL WEEK" MEANS A WEEK THAT CONTAINS THREE OR
15 MORE SCHOOL DAYS.

16 **SECTION 4.** 8-12-104, Colorado Revised Statutes, is amended
17 to read:

18 **8-12-104. Exemptions.** (1) The provisions of this article, except
19 section 8-12-110, shall not apply to the following:

20 (a) School work and supervised educational activities, INCLUDING
21 SUPERVISED EDUCATIONAL ACTIVITIES SPECIALLY DESIGNED FOR PERSONS
22 WITH DISABILITIES;

23 (b) Home chores;

24 (c) Work done for a parent or guardian, except where the parent
25 or guardian receives any ~~payment~~ COMPENSATION therefor OR WHERE THE
26 WORK TO BE PERFORMED HAS BEEN DECLARED TO BE HAZARDOUS UNDER
27 SECTION 8-12-110;

1 (d) ~~Newsboys and Newspaper carriers.~~

2 (2) (a) Any minor employed as an actor, model, or performer shall
3 be exempt from the provisions of ~~subsection (1) of section 8-12-105 (1).~~

4 (b) AN EMANCIPATED MINOR SHALL BE EXEMPT FROM THE
5 PROVISIONS OF SECTION 8-12-105.

6 (3) The director may grant exemptions from any provision of this
7 article ~~except for sections 8-12-113 and 8-12-114, for an individual minor~~
8 ~~if he finds that such an exemption would be in the best interests of the~~
9 ~~minor involved. In granting exemptions, the director shall consider,~~
10 ~~among other things, the previous training which the minor has received in~~
11 ~~his proposed occupation and his knowledge of the proper safety measures~~
12 ~~to be taken in connection with such occupation. The director may require~~
13 ~~any applicant for an exemption from section 8-12-110 to submit to a test~~
14 ~~of his ability to perform the skills required for the proposed occupation.~~
15 ~~Such tests may be administered by a community and technical college, a~~
16 ~~private occupational school, or any other institution which offers courses~~
17 ~~in the skills required, which courses are approved by either the state board~~
18 ~~for community colleges and occupational education or the private~~
19 ~~occupational school division~~ PURSUANT TO RULES ADOPTED IN
20 ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",
21 ARTICLE 4 OF TITLE 24, C.R.S., AND CONSISTENT WITH APPLICABLE
22 FEDERAL LAW AND RULES. ANY SUCH EXEMPTION SHALL REQUIRE THE
23 CONSENT OF AT LEAST ONE PARENT OR LEGAL GUARDIAN OF ANY
24 UNEMANCIPATED MINOR.

25 (4) ~~Any employer, minor, minor's parent or guardian, school~~
26 ~~official, or youth employment specialist may request an exemption, as~~
27 ~~provided in subsection (3) of this section, from a provision of this article.~~

1 **SECTION 5.** 8-12-105, Colorado Revised Statutes, is amended
2 to read:

3 **8-12-105. Minimum age requirements - maximum hours of**
4 **work.** (1) No minor under the age of fourteen shall be permitted
5 employment in this state except as authorized by ~~sections 8-12-104,~~
6 ~~8-12-106, and 8-12-107~~ RULES ADOPTED BY THE DIRECTOR PURSUANT TO
7 SECTION 8-12-104 OR 8-12-106.

8 (2) ~~On school days, during school hours, no minor under the age~~
9 ~~of sixteen shall be permitted employment except as provided in section~~
10 ~~8-12-113; and, after school hours, no minor under the age of sixteen shall~~
11 ~~be permitted to work in excess of six hours unless the next day is not a~~
12 ~~school day.~~ A MINOR WHO IS AT LEAST FOURTEEN YEARS OF AGE AND
13 UNDER SIXTEEN YEARS OF AGE:

14 (a) SHALL NOT BE PERMITTED TO WORK BEFORE 7 A.M. OR AFTER 7
15 P.M.; EXCEPT THAT, IN A WEEK THAT IS NOT A SCHOOL WEEK, HE OR SHE
16 MAY BE PERMITTED TO WORK UNTIL 9 P.M.; AND

17 (b) SHALL NOT BE PERMITTED TO WORK:

18 (I) MORE THAN THREE HOURS ON A SCHOOL DAY;

19 (II) MORE THAN EIGHTEEN HOURS IN A SCHOOL WEEK;

20 (III) MORE THAN EIGHT HOURS ON A NONSCHOOL DAY THAT IS
21 FOLLOWED BY A NONSCHOOL DAY;

22 (IV) MORE THAN SIX HOURS ON A NONSCHOOL DAY THAT IS
23 FOLLOWED BY A SCHOOL DAY; OR

24 (V) MORE THAN FORTY HOURS IN A NONSCHOOL WEEK.

25 (3) ~~Except for baby-sitters, no minor under the age of sixteen shall~~
26 ~~be permitted to work between the hours of nine-thirty p.m. and five a.m.,~~
27 ~~except as authorized by section 8-12-104 (2), unless the next day is not a~~

1 ~~school day.~~ EXCEPT AS OTHERWISE
2 PROVIDED IN SECTION 8-12-105.5, A MINOR WHO IS AT LEAST SIXTEEN
3 YEARS OF AGE AND UNDER EIGHTEEN YEARS OF AGE SHALL NOT BE
4 PERMITTED TO:

5 (a) WORK FOR MORE THAN EIGHT HOURS IN ANY ONE DAY THAT IS
6 FOLLOWED BY A SCHOOL DAY OR FOR MORE THAN NINE HOURS IN ANY ONE
7 DAY THAT IS FOLLOWED BY A NONSCHOOL DAY;

8 (b) WORK FOR MORE THAN FORTY HOURS IN ANY ONE SCHOOL
9 WEEK OR FOR MORE THAN FORTY-EIGHT HOURS IN ANY ONE NONSCHOOL
10 WEEK;

11 (c) WORK FOR MORE THAN SIX DAYS IN ANY ONE SCHOOL WEEK;

12 (d) BEGIN A WORK DAY BEFORE 5 A.M. DURING A SCHOOL WEEK; OR

13 (e) WORK AFTER MIDNIGHT ON A NIGHT THAT IS FOLLOWED BY A
14 SCHOOL DAY.

15 (4) ~~Except for the provisions of subsection (5) of this section, no~~
16 ~~employer shall be permitted to work a minor more than forty hours in a~~
17 ~~week or more than eight hours in any twenty-four hour period. In case of~~
18 ~~emergencies which may arise in the conduct of an industry or occupation~~
19 ~~(not subject to a wage order promulgated under article 6 of this title) the~~
20 ~~director may authorize an employer to allow a minor to work more than~~
21 ~~eight hours in a twenty-four hour period. In such emergencies an~~
22 ~~employee shall be paid at a rate of one and one-half times his time rate as~~
23 ~~determined in accordance with the provisions of section 8-6-106 for each~~
24 ~~hour worked in excess of forty hours in a week.~~

25 (5) In seasonal employment for the culture, harvest, or care of
26 perishable products where wages are paid on a piece basis, as determined
27 in accordance with the provisions of RULES ADOPTED PURSUANT TO section

1 8-6-106, a minor fourteen years of age or older may be permitted to work
2 hours in excess of the limitations of ~~subsection (4) of this section~~
3 OTHERWISE APPLICABLE; but in no case is he OR SHE permitted to work
4 more than twelve hours in any ~~twenty-four hour~~ TWENTY-FOUR-HOUR
5 period nor more than thirty hours in any ~~seventy-two hour~~
6 SEVENTY-TWO-HOUR period; except that a minor fourteen or fifteen years
7 of age may work more than eight hours per day on only ten days in any
8 thirty-day period. ~~Overtime wage provisions of subsection (4) shall not~~
9 ~~apply to this subsection (5).~~

10 **SECTION 6.** Article 12 of title 8, Colorado Revised Statutes, is
11 amended BY THE ADDITION OF A NEW SECTION to read:

12

13 **8-12-105.5. Working hours - exceptions.**

14 (1) NOTWITHSTANDING ANY PROVISION OF SECTION 8-12-105 (3) TO THE
15 CONTRARY, AN EMPLOYER WHO COMPLIES WITH SUBSECTION (2) OF THIS
16 SECTION MAY EMPLOY A MINOR WHO IS AT LEAST SIXTEEN YEARS OF AGE
17 AND UNDER EIGHTEEN YEARS OF AGE TO:

18 (a) WORK UNTIL 1 A.M. ON A NIGHT THAT IS FOLLOWED BY A
19 SCHOOL DAY;

20 (b) WORK UP TO FORTY-EIGHT HOURS DURING A SCHOOL WEEK; OR

21 (c) WORK UP TO NINE HOURS IN ANY ONE DAY DURING A SCHOOL
22 WEEK.

23 (2) AN EMPLOYER MAY EMPLOY A MINOR IN ACCORDANCE WITH
24 SUBSECTION (1) OF THIS SECTION IF THE EMPLOYER HAS OBTAINED WRITTEN
25 PERMISSION FROM THE MINOR'S PARENT OR LEGAL GUARDIAN AND PLACED
26 THE PERMISSION ON FILE IN THE EMPLOYER'S OFFICE.

27 (3) A MINOR WHO IS AT LEAST SIXTEEN YEARS OF AGE AND UNDER

1 EIGHTEEN YEARS OF AGE MAY BE EMPLOYED THE SAME DAILY AND WEEKLY
2 HOURS AND AT THE SAME TIMES OF DAY AS ADULTS IF HE OR SHE FITS INTO
3 ANY ONE OF THE FOLLOWING CATEGORIES:

4 (a) HE OR SHE IS A HIGH SCHOOL GRADUATE OR HAS OBTAINED A
5 GENERAL EQUIVALENCY DIPLOMA;

6 (b) HE OR SHE HAS COMPLETED AN APPROVED VOCATIONAL OR
7 SPECIAL EDUCATION PROGRAM; OR

8 (c) HE OR SHE IS NOT ENROLLED IN A REGULAR SCHOOL TERM.

9 (4) NOTWITHSTANDING SUBSECTIONS (1) AND (2) OF THIS SECTION,
10 A MINOR WHO IS UNDER EIGHTEEN YEARS OF AGE AND NOT COVERED BY
11 SUBSECTION (3) OF THIS SECTION SHALL NOT BE PERMITTED TO WORK
12 AFTER 10 P.M. DURING A SCHOOL WEEK IN ANY OCCUPATION DECLARED TO
13 BE HAZARDOUS UNDER SECTION 8-12-110.

14 **SECTION 7.** 8-12-106, Colorado Revised Statutes, is amended
15 to read:

16 **8-12-106. Permissible occupations for persons under sixteen -**
17 **authority of director.** ~~(1) Subject to the limitations of sections 8-12-105~~
18 ~~and 8-12-110, any minor at age nine or older shall be permitted~~
19 ~~employment in any of the following nonhazardous occupations:~~

20 ~~(a) Delivery of handbills, advertising, and advertising samples;~~

21 ~~(b) Shoeshining;~~

22 ~~(c) Gardening and care of lawns involving no power-driven lawn~~
23 ~~equipment;~~

24 ~~(d) Cleaning of walks involving no power-driven snow-removal~~
25 ~~equipment;~~

26 ~~(e) Casual work usual to the home of the employer and not~~
27 ~~specifically prohibited in this article;~~

1 ~~(f) Caddying on golf courses;~~
2 ~~(g) Any other occupation which is similar to those enumerated in~~
3 ~~this subsection (1) and is not specifically prohibited by this article. ON~~
4 ~~OR BEFORE JANUARY 1, 2002, IN ACCORDANCE WITH THE "STATE~~
5 ~~ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.,~~
6 ~~AND CONSISTENT WITH THE FEDERAL "FAIR LABOR STANDARDS~~
7 ~~ACT OF 1938", 29 U.S.C. SEC. 201 ET SEQ., AND RULES OF THE UNITED~~
8 ~~STATES SECRETARY OF LABOR PROMULGATED UNDER THE AUTHORITY~~
9 ~~GRANTED IN SAID FEDERAL ACT, THE DIRECTOR SHALL BY ORDER~~
10 ~~ESTABLISH PERMITTED OCCUPATIONS FOR MINORS UNDER THE AGE OF~~
11 ~~SIXTEEN YEARS.~~

12 **SECTION 8. Repeal.** 8-12-107, Colorado Revised Statutes, is
13 repealed as follows:

14 **8-12-107. Permissible occupations at age twelve or older.**

15 ~~(1) Subject to the limitations of sections 8-12-105 and 8-12-110, any~~
16 ~~minor at age twelve or older shall be permitted employment in any of the~~
17 ~~following nonhazardous occupations:~~

18 ~~(a) Sale and delivery of periodicals and door-to-door selling of~~
19 ~~merchandise and the delivery thereof;~~

20 ~~(b) Baby-sitting;~~

21 ~~(c) Gardening and care of lawns, including the operation of~~
22 ~~power-driven lawn equipment if such type of equipment is approved by~~
23 ~~the division or if the minor has received training conducted or approved~~
24 ~~by the division in the operation of the equipment;~~

25 ~~(d) Cleaning of walks, including the operation of power-driven~~
26 ~~snow-removal equipment;~~

27 ~~(e) Agricultural work, except for that declared to be hazardous~~

1 under the "Fair Labor Standards Act of 1938", as amended. However, it
2 is the intent of the general assembly that migrant children eligible for
3 attendance at migrant schools be encouraged to attend such schools:

4 (f) Any other occupation which is similar to those enumerated in
5 this subsection (1) and is not specifically prohibited by this article:

6 **SECTION 9. Repeal.** 8-12-108, Colorado Revised Statutes, is
7 repealed as follows:

8 **8-12-108. Permissible occupations at age fourteen.** (1) In
9 addition to the occupations permitted by sections 8-12-106 and 8-12-107,
10 and subject to the limitations of sections 8-12-105 and 8-12-110, any
11 minor fourteen years of age or older shall be permitted employment in any
12 of the following occupations:

13 (a) Nonhazardous occupations in manufacturing;

14 (b) Public messenger service and errands by foot, bicycle, and
15 public transportation;

16 (c) Operation of automatic enclosed freight and passenger
17 elevators;

18 (d) Janitorial and custodial service, including the operation of
19 vacuum cleaners and floor waxers;

20 (e) Office work and clerical work, including the operation of office
21 equipment;

22 (f) Warehousing and storage, including unloading and loading of
23 vehicles;

24 (g) Nonhazardous construction and nonhazardous repair work.

25 The operation of motor vehicles shall be subject to article 2 of title 42,
26 C.R.S.

27 (h) Occupations in retail food service;

1 ~~(i) Occupations in gasoline service establishments, including but~~
2 ~~not limited to dispensing gasoline, oil, and other consumer items, courtesy~~
3 ~~service, car cleaning, washing, and polishing, the use of hoists where~~
4 ~~supervised, and changing tires; except that no minor may inflate or change~~
5 ~~any tire mounted on a rim equipped with a removable retaining ring. The~~
6 ~~operation of motor vehicles shall be subject to article 2 of title 42, C.R.S.~~

7 ~~(j) Occupations in retail stores, including cashiering, selling,~~
8 ~~modeling, art work, work in advertising departments, window trimming,~~
9 ~~price marking by hand or machine, assembling orders, packing and~~
10 ~~shelving, or bagging and carrying out customers' orders;~~

11 ~~(k) Occupations in restaurants, hotels, motels, or other public~~
12 ~~accommodations, except the operation of power food slicers and grinders;~~

13 ~~(l) Occupations related to parks or recreation, including but not~~
14 ~~limited to recreation aides and conservation projects;~~

15 ~~(m) Any other occupation which is similar to those enumerated in~~
16 ~~this subsection (l) and not specifically prohibited by this article.~~

17 **SECTION 10. Repeal.** 8-12-109, Colorado Revised Statutes, is
18 repealed as follows:

19 **8-12-109. Permissible occupations at age sixteen.** In addition to
20 ~~the occupations permitted by sections 8-12-106 to 8-12-108 and subject~~
21 ~~to the limitations of sections 8-12-105 and 8-12-110, any minor sixteen~~
22 ~~years of age or older shall be permitted employment in any occupation~~
23 ~~which involves the use of a motor vehicle if the minor is licensed to~~
24 ~~operate the motor vehicle for such purpose pursuant to article 2 of title 42,~~
25 ~~C.R.S.~~

26 **SECTION 11.** 8-12-110, Colorado Revised Statutes, is amended
27 to read:

1 **8-12-110. Hazardous occupations prohibited for minors -**
2 **door-to-door sales - authority of director.** (1) ON OR BEFORE JANUARY
3 1, 2002, IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE
4 ACT", ARTICLE 4 OF TITLE 24, C.R.S., AND CONSISTENT WITH THE FEDERAL
5 "FAIR LABOR STANDARDS ACT OF 1938", 29 U.S.C. SEC. 201 ET SEQ., AND
6 RULES OF THE UNITED STATES SECRETARY OF LABOR PROMULGATED
7 UNDER THE AUTHORITY GRANTED IN SAID FEDERAL ACT, THE DIRECTOR
8 SHALL BY ORDER DECLARE THOSE OCCUPATIONS WHICH ARE HAZARDOUS
9 FOR MINORS. No minor shall be permitted employment in any occupation
10 declared to be hazardous. ~~in subsection (2) of this section unless such~~
11 ~~minor is fourteen years of age or older and he is employed:~~

12 ~~(a) Incidental to or upon completion of a program of apprentice~~
13 ~~training;~~

14 ~~(b) Incidental to or upon completion of a student-learner program~~
15 ~~of occupational education under the auspices of a public school, junior~~
16 ~~college, community and technical college, federally funded work-training~~
17 ~~program, or private occupational school approved by the private~~
18 ~~occupational school division;~~

19 ~~(c) Upon completion of any other program of training approved by~~
20 ~~the state board for community colleges and occupational education; or~~

21 ~~(d) Upon completion of a program of occupational education~~
22 ~~conducted outside this state which the director determines offers~~
23 ~~instructional quality and content comparable to that offered in programs~~
24 ~~certified by the state board for community colleges and occupational~~
25 ~~education.~~

26 ~~(2) The following occupations are declared to be hazardous: ON~~
27 ~~OR BEFORE JANUARY 1, 2002, THE DIRECTOR SHALL ADOPT RULES~~

1 SPECIFICALLY SETTING FORTH THE HOURS, CONDITIONS, AND SAFETY
2 PROVISIONS APPLICABLE TO PERSONS EMPLOYING MINORS IN
3 DOOR-TO-DOOR SOLICITATIONS OR SALES.

4 ~~(a) Operation of any high pressure steam boiler or high
5 temperature water boiler;~~

6 ~~(b) Work which primarily involves the risk of falling from any
7 elevated place located ten feet or more above the ground except that work
8 defined as agricultural involving elevations of twenty feet or less above
9 ground;~~

10 ~~(c) Manufacturing, transporting, or storing of explosives;~~

11 ~~(d) Mining, logging, oil drilling, or quarrying;~~

12 ~~(e) Any occupation involving exposure to radioactive substances
13 or ionizing radiation;~~

14 ~~(f) Operation of the following power-driven machinery:
15 Woodworking machines, metal-forming machines, punching or shearing
16 machines, bakery machines, paper products machines, shears, and
17 automatic pin-setting machines and any other power-driven machinery
18 which the director determines to be hazardous;~~

19 ~~(g) Slaughter of livestock and rendering and packaging of meat;~~

20 ~~(h) Occupations directly involved in the manufacture of brick or
21 other clay construction products or of silica refractory products;~~

22 ~~(i) Wrecking or demolition, but not including manual auto
23 wrecking;~~

24 ~~(j) Roofing;~~

25 ~~(k) Occupations in excavation operations.~~

26 ~~(3) The director shall promulgate regulations, in accordance with
27 section 24-4-103, C.R.S., to define the occupations prohibited under this~~

1 ~~section and to prescribe what types of equipment shall be required to~~
2 ~~make an occupation nonhazardous for minors.~~

3 **SECTION 12.** 8-12-111, Colorado Revised Statutes, is amended
4 to read:

5 **8-12-111. Verification of age.** (1) ~~Any employer desiring proof~~
6 ~~of the age of any minor employee or prospective employee may require~~
7 ~~the minor to submit an age certificate. Upon request of a minor, an age~~
8 ~~certificate shall be issued by or under the authority of the school~~
9 ~~superintendent of the district or county in which the applicant resides.~~
10 ~~The superintendents, principals, or headmasters of independent or~~
11 ~~parochial schools shall issue age certificates to minors who attend such~~
12 ~~schools.~~

13 (2) ~~The age certificate shall show the age of the minor, the date of~~
14 ~~his birth, the date of issuance of the certificate, the name and position of~~
15 ~~the issuing officer, the name, address, and description of the minor, and~~
16 ~~what evidence was accepted as proof of age. The age certificate shall also~~
17 ~~show the school hours applicable and shall state that a separate school~~
18 ~~release permit is required for minors under sixteen to work on regular~~
19 ~~school days during such school hours. It shall be signed by the issuing~~
20 ~~officer and by the minor in his presence.~~

21 (3) ~~An age certificate shall not be issued unless the minor's birth~~
22 ~~certificate or a photocopy or extract thereof is exhibited to the issuing~~
23 ~~officer, or unless such evidence was previously examined by the school~~
24 ~~authorities and the information is shown on the school records. If a birth~~
25 ~~certificate is not available, other documentary evidence such as a~~
26 ~~baptismal certificate or a passport may be accepted. If such evidence is~~
27 ~~not available, the parent or guardian shall appear with the minor and shall~~

1 make an oath before the judge or other officer of the juvenile or county
2 court as to the age of the minor.

3 (4) ~~The EVERY employer shall keep an age certificate received by~~
4 ~~him for the duration of the minor's employment~~ WHO HIRES A MINOR
5 SHALL REQUIRE DOCUMENTATION OF THE MINOR'S AGE and shall keep on
6 file COPIES OF all ~~age certificates~~ SUCH DOCUMENTATION where ~~they~~ IT
7 may be readily examined by an agent of the division. Upon termination
8 of employment and upon request, the ~~certificate~~ DOCUMENTATION shall be
9 returned to the minor.

10 **SECTION 13. Repeal.** 8-12-112, Colorado Revised Statutes, is
11 repealed as follows:

12 **8-12-112. Proof of a high school diploma, a passing score on the**
13 **general educational development examination, or completion of a**
14 **vocational education program.** ~~Any employer may require proof of a~~
15 ~~high school diploma, a passing score on the general educational~~
16 ~~development examination, or completion of a vocational education~~
17 ~~program. The employer shall be required to maintain a record of such~~
18 ~~high school diploma, proof of a passing score on the general educational~~
19 ~~development examination, or completion of a vocational education~~
20 ~~program.~~

21 **SECTION 14. Repeal.** 8-12-113, Colorado Revised Statutes, is
22 repealed as follows:

23 **8-12-113. School release permit.** ~~(1) Any minor fourteen or~~
24 ~~fifteen years of age who wishes to work on school days during school~~
25 ~~hours shall first secure a school release permit. The permit shall be issued~~
26 ~~only by the school district superintendent, his agent, or some other person~~
27 ~~designated by the board of education. The school release permit shall be~~

1 ~~issued only for a specific position with a designated employer. The~~
2 ~~permit shall be for a specific length of time not to exceed thirty days. The~~
3 ~~permit shall be cancelled upon the termination of such employment and~~
4 ~~shall be issued only in the following circumstances:~~

5 (a) ~~If the minor is to be employed in an occupation not prohibited~~
6 ~~by section 8-12-110 and as evidence thereof presents a signed statement~~
7 ~~from his prospective employer; and~~

8 (b) ~~If the parent or guardian of the minor consents to the~~
9 ~~employment; and~~

10 (c) ~~If the issuing officer believes the best interests of the minor~~
11 ~~will be served by permitting him to work.~~

12 (2) ~~The school release permit shall show the name, address, and~~
13 ~~description of the minor, the name and address of the employer, the kind~~
14 ~~of work to be performed, and the hours of exemption and shall also~~
15 ~~require the signature of the parent and the minor in the presence of the~~
16 ~~issuing officer.~~

17 (3) ~~Inasmuch as it is desirable and practical to encourage school~~
18 ~~attendance by minors at least part time, no school release permit shall be~~
19 ~~issued under this section unless limited to require class attendance by the~~
20 ~~minor for at least three class hours each regular school day; except that,~~
21 ~~in cases of extreme hardship, class attendance may be waived if the~~
22 ~~issuing officer determines that such action would be in the best interest of~~
23 ~~the minor.~~

24 (4) ~~If the issuing officer is in doubt about whether the proposed~~
25 ~~employment is in accordance with this article, he shall consult with the~~
26 ~~division before issuing the permit.~~

27 (5) ~~Upon termination for any reason of the employment~~

1 authorized, the employer shall return the school release permit directly to
2 the issuing officer with a notation showing the date of termination.

3 ~~(6) The issuing officer is authorized to cancel a school release~~
4 ~~permit if the issuing officer determines that the action would be in the best~~
5 ~~interest of the minor. If a school release permit is cancelled, for reasons~~
6 ~~other than the termination of employment for which the permit was~~
7 ~~granted, the minor shall be entitled to a review of the cancellation by the~~
8 ~~court having jurisdiction of juvenile matters in the county in which the~~
9 ~~minor resides, in accordance with the procedures established by section~~
10 ~~8-12-114.~~

11 **SECTION 15. Repeal.** 8-12-114, Colorado Revised Statutes, is
12 repealed as follows:

13 **8-12-114. Appeal from the denial or cancellation of a school**
14 **release permit - procedure.** ~~(1) If a minor is refused a school release~~
15 ~~permit or has had a school release permit cancelled for reasons other than~~
16 ~~the termination of employment for which the permit was granted, he shall~~
17 ~~be entitled to review by the court having jurisdiction of juvenile matters~~
18 ~~in the county in which the minor resides, in accordance with the~~
19 ~~procedures described in this section.~~

20 ~~(2) The official who refused to issue or cancelled the school~~
21 ~~release permit shall, upon demand made within five days after the refusal~~
22 ~~or cancellation, promptly furnish the minor and his parent or guardian~~
23 ~~with a written statement of the reasons for such refusal or cancellation.~~

24 ~~(3) Within five days after the receipt of such statement, the minor~~
25 ~~and his parent or guardian may petition the court for an order directing the~~
26 ~~issuance or reissuance of a school release permit. The petition shall state~~
27 ~~the reasons why the court should issue such an order, and the petitioner~~

1 ~~shall attach to such petition the statement of the issuing officer obtained~~
2 ~~as provided in subsection (2) of this section.~~

3 ~~(4) The court shall hold a hearing and receive such further~~
4 ~~testimony and evidence as it deems necessary. If the court finds that the~~
5 ~~issuance or reissuance of a permit is in the best interest of the minor, it~~
6 ~~shall grant the petition.~~

7 ~~(5) No fee shall be charged by the court in such proceedings.~~

8 **SECTION 16.** 8-12-115 (3) and (7), Colorado Revised Statutes,
9 are amended to read:

10 **8-12-115. Director of the division of labor - powers and duties**

11 **- rules.** (3) The director shall receive and investigate complaints and may
12 from time to time visit employers at reasonable times and inspect pertinent
13 records to determine compliance with this article; EXCEPT THAT THE
14 DIRECTOR SHALL HAVE NO AUTHORITY TO CONDUCT RANDOM INSPECTIONS.

15 (7) The director, in accordance with section 24-4-103, C.R.S.,
16 shall promulgate rules ~~and regulations more specifically~~ defining the
17 occupations and types of equipment permitted or prohibited by this article.

18 **SECTION 17.** 8-12-116, Colorado Revised Statutes, is amended
19 to read:

20 **8-12-116. Penalty for violations.** (1) EXCEPT AS OTHERWISE
21 PROVIDED IN SECTION 8-12-115 (4), any person, having legal responsibility
22 for a minor under ~~the age of~~ eighteen years OF AGE, who knowingly
23 permits such minor to be employed in violation of this article, is guilty of
24 a misdemeanor and, upon conviction thereof, ~~shall~~ MAY be punished by
25 a fine of not less than twenty dollars nor more than one hundred dollars
26 for each offense.

27 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 8-12-115 (4), any

1 person, firm, or corporation, or any agent, manager, superintendent, or
2 foreman of any firm or corporation, who, ~~by himself or~~ DIRECTLY OR
3 INDIRECTLY through an agent, subagent, foreman, superintendent, or
4 manager, knowingly violates or knowingly fails to comply with any of the
5 provisions of this article is guilty of a misdemeanor and, upon conviction
6 thereof, shall be punished by a fine of not less than twenty dollars nor
7 more than one hundred dollars for each offense. Upon conviction of a
8 second or subsequent offense, such person shall be punished by a fine of
9 not less than one hundred dollars nor more than five hundred dollars, or
10 by imprisonment in the county jail for not longer than ninety days, or by
11 both such fine and imprisonment.

12 **SECTION 18.** 8-12-115 (4) (a) and (4) (b) (I), Colorado Revised
13 Statutes, are amended to read:

14 **8-12-115. Director of the division of labor - powers and duties**
15 **- rules and regulations.** (4) (a) ~~If investigation of any place of~~
16 ~~employment or complaint discloses a violation of this article, except~~
17 ~~section 8-12-105 (3), the director shall give the employer written notice~~
18 ~~describing the violation and specifying the provisions of this article that~~
19 ~~such employer is allegedly violating. Within ten days of receipt of such~~
20 ~~notice of violation, the employer may file a written request for a hearing~~
21 ~~on the issue of whether the violation exists, which hearing shall be~~
22 ~~conducted in accordance with section 24-4-105, C.R.S. After a hearing~~
23 ~~concerning a violation of this article, or after the expiration of twenty days~~
24 ~~after the issuance of a notice of violation during which the employer has~~
25 ~~neither requested a hearing nor ceased the conduct that constitutes the~~
26 ~~alleged violation, the director may issue a final order requiring the~~
27 ~~employer to cease and desist the conduct found to be in violation. At any~~

1 ~~time thereafter, the director may order the violating employer to pay a~~
2 ~~penalty of twenty dollars for each offense. Each day that the conduct~~
3 ~~constituting the violation is continued after the order is made final, and~~
4 ~~each minor employed in violation of this article, constitutes a separate~~
5 ~~offense. The order imposing the penalty shall become final upon~~
6 ~~issuance, and the penalty shall be due and payable thirty days after the~~
7 ~~order assessing the penalty is entered, unless prior to that time the order~~
8 ~~has been modified or a hearing on the penalty has been requested as~~
9 ~~provided by section 24-4-105, C.R.S. All penalties imposed by this~~
10 ~~section shall be collected as provided in section 8-1-142.~~

11 (b) (I) If investigation of any place of employment or complaint
12 discloses a violation of section 8-12-105, (3) the director shall give the
13 employer written notice describing the violation and specifying the
14 provisions of this article that such employer is allegedly violating. Within
15 ten days after receipt of such notice of violation, the employer may file a
16 written request for a hearing on the issue of whether the violation exists,
17 which hearing shall be conducted in accordance with section 24-4-105,
18 C.R.S. After a hearing concerning a violation of section 8-12-105, (3) or
19 after the expiration of twenty days after the issuance of a notice of
20 violation during which the employer has neither requested a hearing nor
21 ceased the conduct which constitutes the alleged violation, the director
22 may issue a final order requiring the employer to cease and desist the
23 conduct found to be in violation. At any time thereafter, the director may
24 order the violating employer to pay a penalty pursuant to subparagraph
25 (II) of this paragraph (b). The order imposing the penalty shall become
26 final upon issuance, and the penalty shall be due and payable thirty days
27 after the order assessing the penalty is entered, unless prior to that time

1 the order has been modified or a hearing on the penalty has been
2 requested as provided by section 24-4-105, C.R.S. All penalties imposed
3 by this section shall be collected as provided in section 8-1-142.

4 **SECTION 19. Repeal.** 22-33-104 (2) (e), Colorado Revised
5 Statutes, is repealed as follows:

6 **22-33-104. Compulsory school attendance.** (2) The provisions
7 of subsection (1) of this section shall not apply to a child:

8 (e) ~~To whom a current age and school certificate or work permit~~
9 ~~has been issued pursuant to the "Colorado Youth Employment~~
10 ~~Opportunity Act of 1971", article 12 of title 8, C.R.S.;~~

11 **SECTION 20. Effective date.** (1) Sections 1 to 6 and 12 to 20
12 of this act shall take effect at 12:01 a.m. on the day following the
13 expiration of the ninety-day period after final adjournment of the general
14 assembly that is allowed for submitting a referendum petition pursuant to
15 article V, section 1 (3) of the state constitution; except that, if a
16 referendum petition is filed against this act or against said sections or any
17 item or part of said sections, then said item, section, or part, if approved
18 by the people, shall take effect on the date of the official declaration of the
19 vote thereon by proclamation of the governor.

20 (2) Sections 7 to 11 of this act shall take effect January 1, 2002,
21 unless a referendum petition is filed during the ninety-day period after
22 final adjournment of the general assembly that is allowed for submitting
23 a referendum petition pursuant to article V, section 1 (3) of the state
24 constitution. If such a referendum petition is filed against this act or
25 against said sections or any item or part of said sections, then said item,

1 section, or part, if approved by the people, shall take effect on the date of
2 the official declaration of the vote thereon by proclamation of this
3 governor.