

34:2-21.3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:2-21.3 (Child labor - permit 16 and 17 year olds to work after 11:00 p.m.)

LAWS OF: 1984

CHAPTER: 68

Bill No: A1815

Sponsor(s): Doyle and others

Date Introduced: March 20, 1984

Committee: Assembly: Labor

Senate: Labor, Industry and Professions

Amended during passage: Yes A amendments denoted by asterisks according to Governor's recommendations

Date of Passage: Assembly: May 7, 1984 Re-enacted 6-25-84

Senate: May 14, 1984 Re-enacted 6-28-84

Date of Approval: July 6, 1984

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: Yes

Message on Signing: ~~No~~ Yes.

Following were printed:

Reports: No

Hearings: No

Sponsors' statement:

This bill amends the child labor laws to permit 16 and 17 year olds to work after 11:00 p.m. and on into the next day during school vacations and on days which do not precede a school day in the restaurant and amusement industries under certain circumstances.

7-6-84

[SECOND OFFICIAL COPY REPRINT]

**ASSEMBLY, No. 1815****STATE OF NEW JERSEY**

INTRODUCED MARCH 20, 1984

By Assemblyman DOYLE, Assemblywoman FORD and  
Assemblyman PATERO

AN ACT concerning child labor, and amending P. L. 1940, c. 153.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 3 of P. L. 1940, c. 153 (C. 34:2-21.3) is amended to  
2 read as follows:

3 3. Except as provided in section 15 and except for domestic  
4 service or messengers employed by communications companies  
5 subject to the supervision and control of the Federal Communica-  
6 tions Commission, no minor under 18 years of age shall be em-  
7 ployed, permitted, or suffered to work in, about, or in connection  
8 with any gainful occupation more than six consecutive days in any  
9 one week, or more than 40 hours in any one week, or more than eight  
10 hours in any one day, nor shall any minor under 16 years of age be  
11 so employed, permitted, or suffered to work before 7 a.m. or after  
12 6 p.m. of any day; nor shall any minor between 16 and 18 years of  
13 age be so employed, permitted or suffered to work before 6 a.m.  
14 or after 11 p.m. of any day; *\*\*provided, that minors between 16 and*  
15 *18 years of age may be employed after 11:00 p.m. during any regu-*  
16 *lar vacation season, and on days which do not precede a regularly*  
17 *scheduled school day with a special written permit from their par-*  
18 *ents or legal guardian stating the hours they are permitted to*  
19 *work,\*\* provided, that minors between 16 and 18 years of age may*  
20 *\*\*[continue to]\*\* be employed in a seasonal amusement or restau-*  
21 *rant occupation after 11 p.m. and following 12:01 a.m. of the next*  
22 *day if that employment is a continuation of a work day which began*  
23 *before 11:00 p.m. \*\*either\*\* during any regular school vacation*

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted April 30, 1984.

\*\*—Assembly amendments adopted June 21, 1984.

24 season, **\*\*[and]\*\*** **\*\*or\*\*** [in a restaurant after 12 o'clock mid-  
 25 night] on **\*\*work\*\*** [such] days which do not **\*\*[precede]\*\***  
 26 **\*\*begin on a day which precedes\*\*** a regularly scheduled school  
 27 day, with a special written permit from their parents or legal  
 28 guardian stating the hours they are permitted to work **\*[and that**  
 29 *the parents or legal guardian agree to provide transportation to*  
 30 *and from the work area in those areas without adequate public*  
 31 *transportation, but only if the employer agrees to provide emer-*  
 32 *gency medical treatment or transportation for the purpose of ob-*  
 33 *taining emergency medical treatment, as the need arises]\**, except  
 34 *that in no case shall minors between 16 and 18 years of age be em-*  
 35 *ployed after 3:00 a.m. or before 6:00 a.m. on a **\*\*[Sunday]\*\****  
 36 **\*\*day\*\*** *which precedes a regularly scheduled school day*; provided,  
 37 further that minors may be employed in a concert or a theatrical  
 38 performance up to 11:30 p.m.; and provided, further, that minors  
 39 not less than 16 years of age and who are attending school may be  
 40 employed as pinsetters only in public bowling alleys up to 11:30  
 41 p.m., but may not be so employed during the school term without  
 42 a special written permit from the superintendent of schools or the  
 43 supervising principal as the case may be, which permit must state  
 44 that the minor has undergone a complete physical examination by  
 45 the medical inspector, and, in the opinion of the superintendent or  
 46 supervising principal may be so employed, without injury to health  
 46A or interference with progress in school, such special permits to be  
 46B good for a period of three months only and are revocable in the  
 46C discretion of the superintendent or supervising principal. Such  
 46D permit may not be renewed until satisfactory evidence has been  
 46E submitted to the superintendent or supervising principal showing  
 46F that the minor has had a physical examination and the minor's  
 47 health is not being injured by said work; and provided, further,  
 48 that minors between 16 and 18 years of age may not be employed  
 49 after 10 p.m. during the regular school vacation seasons in or for  
 50 a factory or in any occupation otherwise prohibited by law or by  
 51 order or regulation made in pursuance of law. The combined hours  
 52 of work and hours in school of minors under 16 employed outside  
 53 school hours shall not exceed a total of eight per day.

54 This section is not applicable to the employment of a minor be-  
 55 tween 16 and 18 years of age during the months of June, July,  
 56 August or September by a summer resident camp, conference or  
 57 retreat operated by a nonprofit or religious corporation or associa-  
 58 tion, unless the employment is primarily general maintenance  
 59 work or food service activities.

1 2. This act shall take effect immediately.

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24 work area in those areas without adequate public transportation,  
 25 but only if the employer agrees to provide emergency medical  
 26 treatment or transportation for the purpose of obtaining emergency  
 27 medical treatment, as the need arises, except that in no case shall  
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#### STATEMENT

This bill amends the child labor laws to permit 16 and 17 year olds to work after 11:00 p.m. and into the next day during school vacations and on days which do not precede a school day in the restaurant and amusement industries under certain circumstances.

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**STATE OF NEW JERSEY**

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10 hours in any one day, nor shall any minor under 16 years of age be  
11 so employed, permitted, or suffered to work before 7 a.m. or after  
12 6 p.m. of any day; nor shall any minor between 16 and 18 years of  
13 age be so employed, permitted or suffered to work before 6 a.m.  
14 or after 11 p.m. of any day; provided, that minors between 16  
15 and 18 years of age may *continue to be employed in a seasonal*  
16 *amusement or restaurant occupation after 11 p.m. and following*  
17 *12:01 a.m. of the next day if that employment is a continuation of a*  
18 *work day which began before 11:00 p.m. during any regular school*  
19 *vacation season, and [in a restaurant after 12 o'clock midnight] on*  
20 **[such]** days which do not precede a regularly scheduled school day,  
21 with a special written permit from their parents or legal guardian  
22 stating the hours they are permitted to work \***[and that the parents**  
23 *or legal guardian agree to provide transportation to and from the*

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59 work or food service activities.

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ASSEMBLY LABOR COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1815**

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: APRIL 18, 1984

This bill would permit employers in the amusement and restaurant industries to hire minors between the ages of 16 and 18 to work after 11 p.m., but only: (1) during a regular school vacation season or (2) on days which do not precede regularly scheduled school days, provided they have a written permit from their parents or legal guardian stating the hours they may work. However, minors would not be permitted, under any conditions, to work between the hours of 3:00 a.m. and 6:00 a.m. on any Sunday preceding a regularly scheduled school day.

The Assembly Labor Committee amended the bill by deleting the provision establishing the two conditions that parents and legal guardians also agree to provide transportation for their children and that employers provide emergency medical treatment under certain circumstances.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

June 21, 1984

ASSEMBLY BILL NO. 1815 (OCR)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 1815 (OCR) with my recommendations for reconsideration.

This bill is intended to permit employers in seasonal amusement businesses or restaurants to hire minors between the ages of 16 and 18 to work after 11 p.m. and following 12:01 a.m. and up to 6 a.m. of the next day if that employment is a continuation of a work day which began before 11:00 p.m. but only: (1) during a regular school vacation season and (2) on days which do not precede regularly scheduled school days, provided they have a written permit from their parents or legal guardian stating the hours they may work. However, minors would not be permitted, under any condition, to work between the hours of 3:00 a.m. and 6:00 a.m. on any Sunday preceding a regularly scheduled school day.

Under the current child labor law, minors between 16 and 18 years of age in all other jobs but restaurants are permitted to work after 11 p.m., but no later than 12 midnight during school vacations or on days not preceding a school day with a note from their parents. Currently, in restaurants only, minors between 16 and 18 years of age, may work during school vacations and on days not preceding a school day after 12 midnight. There has been some recent confusion concerning whether or not minors between 16 and 18 working in restaurants who begin work before 11 p.m. on a Saturday night, may work after 12 midnight, since Sunday is a day preceding a school day. The proponents of the bill claim the current law causes a hardship on young people and the industry by forcing owners to either close down business at 12 a.m. on Saturday nights or not hire minors for those jobs.

Unfortunately, this bill in attempting to correct one problem raises another. Specifically, under current law, a minor between 16 and 18 may work to midnight during a vacation or on a day not preceding a regularly scheduled school day in a non-restaurant business. This bill requires all minors between 16 and 18, in all other jobs but seasonal amusement and restaurant jobs, to stop work at 11 p.m. Therefore, minors between the ages of 16 and 18 could currently work in a movie theater during vacation until 12 midnight, but if I



STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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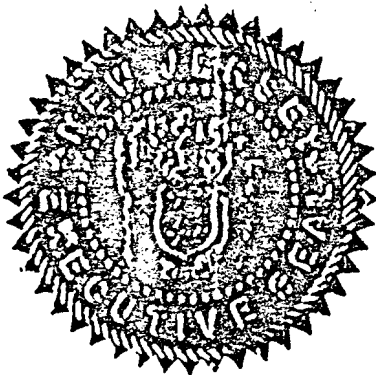
sign this bill they would have to stop at 11 p.m. I understand this was never the sponsor's intention and therefore, I request that it be changed back. Additionally, I have made some language changes which I believe will make this bill technically better.

Accordingly, I herewith return Assembly Bill No. 1815 (OCR) with the following recommendations:

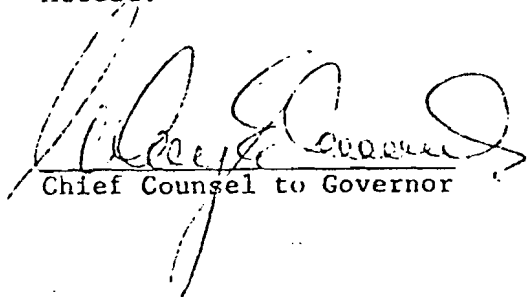
- Page 1, Section 1, line 14: After "day;" insert "provided, that minors between 16 and 18 years of age may be employed after 11:00 p.m. during any regular school vacation season, and on days which do not precede a regularly scheduled school day with a special written permit from their parents or legal guardian stating the hours they are permitted to work;"
- Page 1, Section 1, line 15: Delete "continue to"
- Page 1, Section 1, line 18: After "p.m." insert "either"
- Page 1, Section 1, line 19: Delete "and" insert "or"  
After "on" insert "work"
- Page 1, Section 1, line 20: After "not" insert "begin on a day which"  
After "precede" insert "s"
- Page 2, Section 1, line 29: Delete "Sunday" insert "day"

Respectfully,

  
Governor



Attest:

  
Chief Counsel to Governor



# OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: CARL GOLDEN  
609-292-8956

TRENTON, N.J. 08625

Release: MONDAY, JULY 9, 1984

Governor Thomas H. Kean today signed legislation to permit 16 and 17 year olds to work after 11:00 p.m. in seasonal amusement or restaurant employment.

The legislation, A-1815, had been conditionally vetoed by Kean earlier and repassed by the Legislature with the Governor's recommendations. It was sponsored by Assemblyman John Doyle, D-Ocean.

The bill permits 16 and 17 year olds to work in seasonal amusement and restaurant businesses and 11:00 p.m. during a regular school vacation and on days which do not precede regularly scheduled school days.

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