

ASSEMBLY, No. 384

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1962

By Assemblymen MATTHEWS and BARKALOW

Referred to Committee on Revision and Amendment of Laws

AN ACT to amend and supplement "An act to limit and regulate child labor in this State; to provide for examinations and inspections under the provisions of this act; to provide for the enforcement of this act and regulations made thereunder; to prescribe penalties for the violation thereof; and to repeal other acts," approved June 25, 1940 (P. L. 1940, c. 153), and to repeal section 2 of chapter 127 of the laws of 1956.

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

1 1. As used in this act:

2 a. "Professional employment" means employment for pay as an actor  
3 or performer in a theatrical production.

4 b. "Theatrical production" means and includes stage, motion picture  
5 and television performances and rehearsals therefor.

6 c. "Prohibited performance" means and includes appearances as a rope  
7 or wire walker or rider, gymnast, wrestler, boxer, contortionist, acrobat,  
8 rider of a horse or other animal or rider of any vehicle other than that  
9 normally used as a toy, or appearance in any illegal, indecent or immoral  
10 exhibition or practice, or in any practice or exhibition dangerous to the life,  
11 limb, health or morals of a minor or a performance upon any premises

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

12 licensed for the sale and consumption of alcoholic beverages, or appearance  
13 or exhibition of any physically deformed or mentally deficient minor.

1       2. Notwithstanding any provision of the child labor laws of this State,  
2 the professional employment of minors between the ages of 8 and 16 years  
3 in theatrical productions is authorized upon compliance with the conditions  
4 in this act set forth.

1       3. Upon application of an employer, bearing the endorsed approval of  
2 a parent or guardian of the minor the issuing officer as defined in the act  
3 hereby supplemented may issue a permit authorizing employment of the  
4 minor in a theatrical production if it finds that:

4A       (a) The minor is in good health as certified by a currently issued state-  
4B ment of a licensed physician based upon a physical examination;

5       (b) The place of employment is approved by the Department of Labor  
6 and Industry and the period for which the permit is desired is not in excess  
7 of 3 months;

8       (c) If the minor is not attending public school and the application is  
9 for a period other than during the school summer vacation period, that  
10 he is receiving equivalent instruction approved by the Department of Edu-  
11 cation or by the State or county of his residence if he be a nonresident of  
12 New Jersey;

13       (d) The proposed employment will not exceed 2 performances a day or  
14 a total of 8 performances in any week; that the employment will not be for  
15 more than 6 days in any week, 5 hours in any day or a total of 24 hours,  
16 including rehearsal time, in any week and that the minor will not be em-  
17 ployed before 7:00 P. M. or after 11:30 o'clock P. M. and that school and  
18 theatrical performance time shall not exceed 8 hours in any 1 day;

19       (e) The employment does not involve a type of prohibited performance  
20 as hereinafter defined;

21       (f) The minor will be under the direct care and supervision of an adult  
22 who is a parent, guardian or a representative of the employer, named in

23 the application, at all times during his employment or while living away from  
24 home when required as an incident of such employment.

1 4. The issuing officer may refuse to grant a certificate if, in his judg-  
2 ment, the best interests of the minor would be served by such refusal and  
3 he shall keep a record of such refusals, and the reasons thereof.

1 5. Permits may be renewed upon application. A separate permit shall  
2 be required for each employee. The employer shall have the permit avail-  
3 able for inspection at all times at the place of employment.

1 6. The Department of Education shall deliver a copy of each application  
2 to the Department of Labor and Industry.

1 7. Whoever obtains any permit under this act upon any knowingly false  
2 statement made in applying therefor, or employs or permits or suffers any  
3 minor to be employed or to work in violation of this act or of the terms  
4 of any permit issued under this act or of any order or ruling issued under  
5 the provisions of this act, or obstructs the Departments of Labor and Indus-  
6 try and Education, its officers or agents, or any other person authorized to  
7 inspect places of employment under this act, and whoever, having under his  
8 control or custody any minor, permits or suffers him to be employed or to  
9 work in violation of this act, shall be guilty of a misdemeanor and shall be  
10 punished by a fine of not less than \$25.00 nor more than \$500.00, or by im-  
11 prisonment of not less than 10 nor more than 90 days, or by both such fine  
12 and imprisonment. Each day during which any violation of this act con-  
13 tinues shall constitute a separate and distinct offense, and the employment  
14 of any minor in violation of the act shall with respect to each minor so em-  
15 ployed, constitute a separate and distinct offense.

1 8. The Department of Education shall prescribe forms and regulations  
2 concerning applications for and issuance of permits and the Department of  
3 Labor and Industry may issue regulations concerning the administration  
4 and enforcement of this act.

1       9. Section 2 of the act of which this act is amendatory is amended to  
2 read as follows:

3       2. No minor under 16 years of age shall be employed, permitted, or  
4 suffered to work in, about, or in connection with any gainful occupation at  
5 any time; provided, that minors between 14 and 16 years of age may be  
6 employed, permitted or suffered to work outside school hours and during  
7 school vacations but not in or for a factory or in any occupation otherwise  
8 prohibited by law or by order or regulation made in pursuance of law; and  
9 provided, further, that minors under 16 years of age *may engage in pro-*  
10 *fessional employment in theatrical productions upon the obtaining of a*  
11 *permit therefor and may engage outside school hours and during school*  
12 *vacations [in theatrical productions, as provided in section 2 of this amenda-*  
13 *tory and supplementary act and]* in agricultural pursuits or in street trades  
14 as defined in this act, in accordance with the provisions of section 15 of this  
15 act. Nothing in this act shall be construed to apply to the work of a minor  
16 engaged in domestic service or agricultural pursuits performed outside of  
17 school hours or during school vacation in connection with the minor's own  
18 home and directly for his parent or legal guardian.

19       *Except as to the employment of a minor for whom a theatrical employ-*  
20 *ment permit has been issued, no minor under 16 years of age not a resident*  
21 *of this State shall be employed, permitted or suffered to work in any occu-*  
22 *pation or service whatsoever at any time during which the law of the State*  
23 *of his residence required his attendance at school, or at any time during the*  
24 *hours when the public schools in the district in which employment in such*  
25 *occupation or services may be available are in session.*

1       10. Section 2 of chapter 127 of the laws of 1956 is repealed.

1       11. This act shall take effect immediately.