

34:2-21.15 and -21.17

April 29, 1971

Copy 2

LEGISLATIVE HISTORY OF R.S. 34:2-21.15  
34:2-21.17  
34:11-5Ca4

(work permits for any vocational high school graduate, 17 years of age)

(1970 amendment)

Similar bills introduced, 1968-1970:

1969 - S632 (Sciro)  
No statement.

Periodical comment on 1969 bill:

State Federation District Boards of Education.  
Legislative Bulletin, vol. 17, no. 4 4/25/69

"The Committee strongly supports this bill. Students are presently completing vocational education training courses and graduating at the age of 17. Under present law graduates are restricted from fully entering their vocation until they are 18 years of age. "

S. 1970, Chapter 115 - S493  
Introduced January 29, 1970, by Sciro.  
Amended in Senate (copy enclosed).  
Amended by Assembly Committee (copy enclosed).  
No statement.

No clippings: V.F. - H.J. - Education - Vocational education.

RSL/PC

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SENATE, No. 493

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1970

By Senator SCIRO

Referred to Committee on Labor Relations

AN ACT relating to the employment of, and minimum wage rates payable to, certain minors 17 or more years of age and amending P. L. 1940, c. 153 and P. L. 1966, c. 113.

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

1 \***[1.** Section 9 of P. L. 1940, chapter 153 (C. 34:2-21.9) is amended  
2 to read as follows:

3 9. Upon request, it shall be the duty of the issuing officer to issue  
4 *to any vocational school graduate at least 17 years of age and to any*  
5 *young person between the ages of 18 and 21 years residing in his*  
6 *district and applying in person, who expresses a desire to enter*  
7 *employment, an age certificate upon presentation of the same proof*  
8 *of age as is required for the issuance of employment certificates*  
9 *under this act. A young person between the said ages nonresident*  
10 *of the State may apply to the issuing authority of any district*  
11 *where such person states he intends to seek employment. The*  
12 *age certificate shall state the color, name, sex, date and place of*  
13 *birth, residence, color of hair and eyes, height, and distinguishing*  
14 *facial marks, if any, and the kind of proof of age submitted. All*  
15 *copies thereof shall be signed in person by the applicant in the*  
16 *presence of the said issuing officer in whose name it is issued.*

17 Any employer before employing a minor may require him to  
18 produce an age certificate and sign his name for comparison with  
19 the signature on the certificate. If in his judgment the signature  
20 and characteristics of the child correspond with the signature and  
21 description in the certificate, the employer, on employing the child,  
22 may require and retain the certificate during the minor's employ-  
23 ment and shall return it to the minor upon the termination of his  
24 employment.]\*

1 \***[2.]**\* \*1.\* Section 15 of P. L. 1940, chapter 153 \***[(C. 34:2-15)]**\*  
2 \***(C. 34:2-21.15)**\* is amended to read as follows:

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

3 15. Except as hereinafter provided as to newspaperboys, no boy  
4 under 14 years of age and no girl under 18 years of age may engage  
5 in any street trade, which term, for the purpose of this section shall  
6 include the selling, offering for sale, soliciting for, collecting for,  
7 displaying, or distributing any articles, goods, merchandise, com-  
8 mercial service, posters, circulars, newspapers or magazines or in  
9 blacking shoes on any street or other public place or from house to  
10 house. No child under 12 years of age may be employed in agri-  
11 cultural pursuits.

12 *Whenever a child has graduated from vocational school and is*  
13 *at least 17 years of age, his diploma or certified copy thereof* [ \*  
14 *when presented together with proof of age.* ] \* *and an employment*  
15 *certificate mailed to the employer by the issuing officer\* shall be*  
16 *deemed a special permit to engage in those pursuits in which he*  
17 *majored in said vocational school during those hours permitted for*  
17<sup>A</sup> *persons 18 years of age and over.*

18 Except as hereinafter provided as to newspaperboys, whenever  
19 a child under 16 years of age desires to work during such times as  
20 the schools of the district in which he resides are not in session in  
21 any street trade or in agricultural pursuits, the parent, guardian or  
22 other person having the custody and control of the child may file  
23 with the issuing officer in the school district in which the child  
24 resides an application for a special permit authorizing such work.  
25 Such application shall show the exact character of the work the  
26 child is to do, and the hours and wages and special conditions under  
27 which said work is to be performed.

28 If upon investigation it is found that the facts set forth in the  
29 application are true and that the work will not interfere with the  
30 child's health or standing in school, the issuing officer shall, upon  
31 presentation to him of the same proof of age as is required for the  
32 issuance of an employment certificate, issue a special permit, allow-  
33 ing the child to work at such times as the public schools in the dis-  
34 trict are not in session, but such work except in agricultural  
35 pursuits, and as newspaperboys, to be otherwise subject to the  
36 maximum hours of labor provisions set for minors under 16 years  
37 of age in section 3 of this act; provided, that nothing in this  
38 act shall prevent newspaperboys as defined in this act, between  
39 12 and 14 years of age, from delivering, soliciting, selling and  
40 collecting for newspapers on routes in residential neighborhoods  
41 between the hours of 6:00 o'clock in the morning and 7:00 o'clock  
42 in the evening of any day; and newspaperboys 14 years of age and  
43 older from delivering, soliciting, selling and collecting for news-  
44 papers on routes in residential neighborhoods between the hours  
45 of 5:30 o'clock in the morning and 8:00 o'clock in the evening of

46 any day; and provided further that no newspaperboy under the age  
47 of 18 years shall be permitted to engage in such occupation beyond  
48 the period of time wherein the combined hours devoted to said  
49 occupation as a newspaperboy and the hours in school shall exceed  
50 a total of 40 hours per week and not more than 8 hours in any 1 day;  
51 and provided, further, that children engaged in agricultural pur-  
52 suits may be employed no more than 10 hours per day.

53 Such special permit shall show the name, address, and date of  
54 birth of the minor for whom it is issued, the kind of proof of age  
55 submitted, the nature of the occupation in which the minor is to  
56 engage, and such other information as the commissioner of Edu-  
57 cation may require.

58 Any such special permit for work in agriculture shall be issued  
59 for a period not to exceed 6 months and shall show its date of  
60 expiration. Any person employing a minor under 16 years of age  
61 in agriculture shall obtain such a certificate from the minor and  
62 keep it on file during the period of the minor's employment and  
63 shall return it to the minor to whom it is issued upon termination  
64 of his employment.

65 Upon application by the parent, guardian or other person having  
66 custody and control of a newspaperboy as defined in this act, be-  
67 tween the ages of 12 and 18 years of age, to the publisher of any  
68 newspaper in this State and upon receiving satisfactory proof of  
69 age and a signed statement of physical fitness, such publisher may  
70 issue to such newspaperboy a special permit on a form prescribed  
71 and approved by the Commissioner of Education, whereby he shall  
72 be permitted to deliver, solicit, sell and collect for newspapers out-  
73 side of his school hours on residential routes, and on Sundays and  
74 during school vacations and no other employment certificate shall  
75 be required.

76 Such special permit shall show the name, address and date of  
77 birth of the newspaperboy for whom it is issued, and such other  
78 information as the Commissioner of Education may require.

79 The publisher shall forthwith mail 3 copies of such special permit  
80 to the issuing officer as defined in section 1 of this act, one of which  
81 copies shall be forwarded to the Commissioner of Education and  
82 one copy to the Commissioner of Labor and Industry in such man-  
83 ner as may be provided by regulation of said commissioners. A  
84 copy of such special permit shall also be furnished by the publisher  
85 to the parent, guardian or other person having custody and control  
86 of the newspaperboy and the publisher shall retain at all times a  
87 file copy thereof.

88 The special permit shall remain in full force and effect unless  
 89 and until the publisher has knowledge of or is notified by the issuing  
 90 officer or the Commissioner of Labor and Industry that the news-  
 91 paperboy is not physically fit or that in the opinion of the issuing  
 92 officer or the Commissioner of Labor and Industry, engaging in  
 93 the occupation as a newspaperboy will be harmful to his education.  
 94 In such case, the said special permit shall be suspended unless and  
 95 until the issuing officer shall revoke said notification. In the event  
 96 of such notification and suspension, however, if either the parent,  
 97 guardian or other person having custody and control of the news-  
 98 paperboy or the publisher shall deem such decision to be erroneous,  
 99 an appeal may be made to the Commissioner of Education who  
 100 shall have authority to affirm, reverse or modify such decision of  
 101 the issuing officer or the Commissioner of Labor and Industry.

102 The publisher shall keep a record of the name, address and birth  
 103 date of each newspaperboy to whom such special permit is issued;  
 104 the date said newspaperboy commenced and ceased delivering news-  
 105 papers published by said publisher together with a record of the  
 106 number of newspapers sold to each newspaperboy and a general  
 107 description of the area of the route served by each newspaperboy.  
 108 Such records shall be kept on file by said publisher for a period  
 109 of 2 years after the newspaperboy has ceased delivering news-  
 110 papers published by said publisher.

111 The special permit shall remain in full force and effect unless  
 112 and until the publisher is notified by the issuing officer or the Com-  
 113 missioner of Labor and Industry that the newspaperboy is not  
 114 physically fit or that the newspaperboy's school record is such that  
 115 engaging in the occupation of a newspaperboy will be harmful to  
 116 his education. In such case, however, if either the parent, guardian  
 117 or other person having custody and control of the newspaperboy  
 118 or the publisher shall deem such decision to be erroneous, an appeal  
 119 may be made to the Commissioner of Education who shall have  
 120 authority to reverse or modify such decision of the issuing officer  
 121 or the Commissioner of Labor and Industry.

1 \***[3.]**\* \*2.\* Section 17 of P. L. 1940, chapter 153 (C. 34:2-21.17)  
 2 is amended to read as follows:

3 17. No minor under 16 years of age shall be employed, permitted  
 4 or suffered to work in, about, or in connection with power-driven  
 5 machinery.

6 No minor under 18 years of age shall be employed, permitted or  
 7 suffered to work in, about, or in connection with the following:

8 the manufacture or packing of paints, colors, white lead, or  
 9 red lead;

10 the handling of dangerous or poisonous acids or dyes; injurious  
11 quantities of toxic or noxious dust, gases, vapors or fumes;  
12 work involving exposure to benzol or any benzol compound which  
13 is volatile or which can penetrate the skin;  
14 the manufacture, transportation or use of explosives or highly  
15 inflammable substances;  
16 oiling, wiping, or cleaning machinery in motion or assisting  
17 therein;  
18 operation or helping in the operation of power-driven wood-  
19 working machinery; provided, that apprentices operating un-  
20 der conditions of bona fide apprenticeship may operate such  
21 machines under competent instruction and supervision;  
22 grinding, abrasive, polishing or buffing machines, provided that  
23 apprentices operating under conditions of bona fide apprentice-  
24 ship may grind their own tools.  
25 punch presses or stamping machines if the clearance between the  
26 ram and the dye or the stripper exceeds  $\frac{1}{4}$  inch;  
27 cutting machines having a guillotine action;  
28 corrugating, crimping or embossing machines;  
29 paper lace machines;  
30 dough brakes or mixing machines in bakeries or cracker  
31 machinery;  
32 calendar rolls or mixing rolls in rubber manufacturing;  
33 centrifugal extractors, or mangles in laundries or dry cleaning  
34 establishments;  
35 or reduction works, smelters, hot rolling mills, furnaces,  
36 foundries, forging shops, or any other place in which the  
37 heating, melting, or heat treatment of metals is carried on;  
38 mines or quarries;  
39 steam boilers carrying a pressure in excess of 15 pounds;  
40 construction work of any kind;  
41 fabrication or assembly of ships;  
42 operation or repair of elevators or other hoisting apparatus;  
43 the transportation of payrolls other than within the premises  
44 of the employer.  
45 No minor under 18 years of age shall be employed, permitted, or  
46-47 suffered to work in, about, or in connection with any establish-  
48 ment where alcoholic liquors are distilled, rectified, compounded,  
49 brewed, manufactured, bottled, or are sold for consumption on the  
50 premises, or in a pool or billiard room; provided, however, this sec-  
51 tion shall not apply to minors 16 years of age or over, employed as  
52 pinsetters only in public bowling alleys as provided in section 3  
53 hereof. No girl under the age of 18 years shall be employed, per-

54 mitted, or suffered to work as a messenger in the distribution or  
 55 delivery of goods or messages for any person, firm or corporation  
 56 engaged in the business of transmitting or delivering goods or  
 56A messages.

57 No minor under 18 years of age shall be employed, permitted, or  
 58 suffered to work in any place of employment, or at any occupation  
 59 hazardous or injurious to the life, health, safety, or welfare of  
 60 such minor, as such occupation shall, from time to time, be de-  
 61 termined and declared by the Commissioner of Labor to be  
 62 hazardous or injurious to the life, health, safety, or welfare of such  
 63 minors, after a public hearing thereon and after such notice as the  
 64 commissioner may by regulation prescribe.

65 Nothing in this section shall be construed to prevent the employ-  
 66 ment of minors between 16 and 18 years of age or more in a resta-  
 67 rant as defined in section 1 and as provided for in section 3 of this  
 68 act; provided, however, that no minor shall engage in the prepa-  
 69 ration, sale or serving of alcoholic beverages, nor in the sale of  
 70 cigarettes or other tobacco products, nor in the preparation or sale  
 71 of photographs, nor in any dancing or theatrical exhibition or per-  
 72 formance while so employed.

73 Nothing in this section shall be deemed to apply to the work done  
 74 by pupils in public or private schools of New Jersey, under the  
 75 supervision and instruction of officers or teachers of such organiza-  
 76 tions or schools, *or to a child who is at least 17 years of age em-*  
 77 *ployed in the type of work in which he majored under the conditions*  
 78 *of the special vocational school graduate permit provided in section*  
 79 *15 of this act \*[(C. 34:2-21.17)]\* \*(C. 34:2-21.15).\**

1 \***[4.]**\* \*3.\* Section 5 of P. L. 1966, chapter 113 (C. 34:11-56a4)  
 2 is amended to read as follows:

3 5. Every employer shall (a) on and after the expiration of 180  
 4 days following the date of enactment of this act pay to each of his  
 5 employees wages at a rate of not less than \$1.25 per hour, and (b)  
 6 on and after January 1, 1968 at a rate of not less than \$1.40 per  
 7 hour, and (c) on and after January 1, 1969 at a rate of not less  
 8 than \$1.50 per hour for 40 hours of working time in any week and  
 9 1 and ½ times such employee's regular hourly wage for each hour  
 10 of working time in excess of 40 hours in any week, except this over-  
 11 time rate shall not include any individual employed in a bona fide  
 12 executive, administrative, or professional capacity or, if an ap-  
 13 plicable wage order has been issued by the commissioner under  
 14 section 17 of this act, not less than the wages prescribed in said  
 15 order. The wage rates fixed in this section shall not be applicable  
 16 to employees engaged in domestic service in the home of the em-

17 ployer, to persons under the age of 18 *not possessing a special*  
18 *vocational school graduate permit issued pursuant to section \***[9]**\**  
19 *\*15\* of chapter 153 of the Laws of 1940 \***[(C. 34:2-21.9)]**\**  
20 *\*(C. 34:2-21.15)\** or to persons employed as salesmen of motor  
21 vehicles; or to persons employed as outside salesmen as such term  
22 shall be defined and delimited in regulations adopted by the  
22A commissioner.

23 The provisions of this section for the payment to an employee of  
24 not less than 1½ times such employee's regular hourly rate for each  
25 hour of working time in excess of 40 hours in any week shall not  
26 apply to employees engaged to labor on a farm, or employed in a  
27 hotel or to an employee of a common carrier of passengers by  
28 motor bus or employees engaged in labor relative to the raising or  
29 care of livestock.

1 **\*[5.]** \*4.\* This act shall take effect immediately.



ASSEMBLY COMMITTEE AMENDMENT TO

**SENATE, No. 493**

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—•—  
**STATE OF NEW JERSEY**  
—•—

ADOPTED MAY 4, 1970

Amend page 2, section 1, line 12, after “vocational school”, insert  
“approved by the Commissioner of Education”.

SENATE, No. 493

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1970

By Senator SCIRO

Referred to Committee on Labor Relations

AN ACT relating to the employment of, and minimum wage rates payable to, certain minors 17 or more years of age and amending P. L. 1940, c. 153 and P. L. 1966, c. 113.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
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1 1. Section 9 of P. L. 1940, chapter 153 (C. 34:2-21.9) is amended  
2 to read as follows:

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4 *to any vocational school graduate at least 17 years of age and to any*  
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6 *district and applying in person, who expresses a desire to enter*  
7 *employment, an age certificate upon presentation of the same proof*  
8 *of age as is required for the issuance of employment certificates*  
9 *under this act. A young person between the said ages nonresident*  
10 *of the State may apply to the issuing authority of any district*  
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12 *age certificate shall state the color, name, sex, date and place of*  
13 *birth, residence, color of hair and eyes, height, and distinguishing*  
14 *facial marks, if any, and the kind of proof of age submitted. All*  
15 *copies thereof shall be signed in person by the applicant in the*  
16 *presence of the said issuing officer in whose name it is issued.*

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18 produce an age certificate and sign his name for comparison with  
19 the signature on the certificate. If in his judgment the signature  
20 and characteristics of the child correspond with the signature and  
21 description in the certificate, the employer, on employing the child,  
22 may require and retain the certificate during the minor's employ-  
23 ment and shall return it to the minor upon the termination of his  
24 employment.

1 2. Section 15 of P. L. 1940, chapter 153 (C. 34:2-15) is amended  
2 to read as follows:

3 15. Except as hereinafter provided as to newspaperboys, no boy  
4 under 14 years of age and no girl under 18 years of age may engage  
5 in any street trade, which term, for the purpose of this section shall  
6 include the selling, offering for sale, soliciting for, collecting for,  
7 displaying, or distributing any articles, goods, merchandise, com-  
8 mercial service, posters, circulars, newspapers or magazines or in  
9 blacking shoes on any street or other public place or from house to  
10 house. No child under 12 years of age may be employed in agri-  
11 cultural pursuits.

12 *Whenever a child has graduated from vocational school and is*  
13 *at least 17 years of age, his diploma or certified copy thereof, when*  
14 *presented together with proof of age, shall be deemed a special*  
15 *permit to engage in those pursuits in which he majored in said*  
16 *vocational school during those hours permitted for persons 18 years*  
17 *of age and over.*

18 Except as hereinafter provided as to newspaperboys, whenever  
19 a child under 16 years of age desires to work during such times as  
20 the schools of the district in which he resides are not in session in  
21 any street trade or in agricultural pursuits, the parent, guardian or  
22 other person having the custody and control of the child may file  
23 with the issuing officer in the school district in which the child  
24 resides an application for a special permit authorizing such work.  
25 Such application shall show the exact character of the work the  
26 child is to do, and the hours and wages and special conditions under  
27 which said work is to be performed.

28 If upon investigation it is found that the facts set forth in the  
29 application are true and that the work will not interfere with the  
30 child's health or standing in school, the issuing officer shall, upon  
31 presentation to him of the same proof of age as is required for the  
32 issuance of an employment certificate, issue a special permit, allow-  
33 ing the child to work at such times as the public schools in the dis-  
34 trict are not in session, but such work except in agricultural  
35 pursuits, and as newspaperboys, to be otherwise subject to the  
36 maximum hours of labor provisions set for minors under 16 years  
37 of age in section 3 of this act; provided, that nothing in this  
38 act shall prevent newspaperboys as defined in this act, between  
39 12 and 14 years of age, from delivering, soliciting, selling and  
40 collecting for newspapers on routes in residential neighborhoods  
41 between the hours of 6:00 o'clock in the morning and 7:00 o'clock  
42 in the evening of any day; and newspaperboys 14 years of age and  
43 older from delivering, soliciting, selling and collecting for news-  
44 papers on routes in residential neighborhoods between the hours  
45 of 5:30 o'clock in the morning and 8:00 o'clock in the evening of

46 any day; and provided further that no newspaperboy under the age  
47 of 18 years shall be permitted to engage in such occupation beyond  
48 the period of time wherein the combined hours devoted to said  
49 occupation as a newspaperboy and the hours in school shall exceed  
50 a total of 40 hours per week and not more than 8 hours in any 1 day;  
51 and provided, further, that children engaged in agricultural pur-  
52 suits may be employed no more than 10 hours per day.

53 Such special permit shall show the name, address, and date of  
54 birth of the minor for whom it is issued, the kind of proof of age  
55 submitted, the nature of the occupation in which the minor is to  
56 engage, and such other information as the commissioner of Edu-  
57 cation may require.

58 Any such special permit for work in agriculture shall be issued  
59 for a period not to exceed 6 months and shall show its date of  
60 expiration. Any person employing a minor under 16 years of age  
61 in agriculture shall obtain such a certificate from the minor and  
62 keep it on file during the period of the minor's employment and  
63 shall return it to the minor to whom it is issued upon termination  
64 of his employment.

65 Upon application by the parent, guardian or other person having  
66 custody and control of a newspaperboy as defined in this act, be-  
67 tween the ages of 12 and 18 years of age, to the publisher of any  
68 newspaper in this State and upon receiving satisfactory proof of  
69 age and a signed statement of physical fitness, such publisher may  
70 issue to such newspaperboy a special permit on a form prescribed  
71 and approved by the Commissioner of Education, whereby he shall  
72 be permitted to deliver, solicit, sell and collect for newspapers out-  
73 side of his school hours on residential routes, and on Sundays and  
74 during school vacations and no other employment certificate shall  
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76 Such special permit shall show the name, address and date of  
77 birth of the newspaperboy for whom it is issued, and such other  
78 information as the Commissioner of Education may require.

79 The publisher shall forthwith mail 3 copies of such special permit  
80 to the issuing officer as defined in section 1 of this act, one of which  
81 copies shall be forwarded to the Commissioner of Education and  
82 one copy to the Commissioner of Labor and Industry in such man-  
83 ner as may be provided by regulation of said commissioners. A  
84 copy of such special permit shall also be furnished by the publisher  
85 to the parent, guardian or other person having custody and control  
86 of the newspaperboy and the publisher shall retain at all times a  
87 file copy thereof.

88 The special permit shall remain in full force and effect unless  
 89 and until the publisher has knowledge of or is notified by the issuing  
 90 officer or the Commissioner of Labor and Industry that the news-  
 91 paperboy is not physically fit or that in the opinion of the issuing  
 92 officer or the Commissioner of Labor and Industry, engaging in  
 93 the occupation as a newspaperboy will be harmful to his education.  
 94 In such case, the said special permit shall be suspended unless and  
 95 until the issuing officer shall revoke said notification. In the event  
 96 of such notification and suspension, however, if either the parent,  
 97 guardian or other person having custody and control of the news-  
 98 paperboy or the publisher shall deem such decision to be erroneous,  
 99 an appeal may be made to the Commissioner of Education who  
 100 shall have authority to affirm, reverse or modify such decision of  
 101 the issuing officer or the Commissioner of Labor and Industry.

102 The publisher shall keep a record of the name, address and birth  
 103 date of each newspaperboy to whom such special permit is issued;  
 104 the date said newspaperboy commenced and ceased delivering news-  
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 106 number of newspapers sold to each newspaperboy and a general  
 107 description of the area of the route served by each newspaperboy.  
 108 Such records shall be kept on file by said publisher for a period  
 109 of 2 years after the newspaperboy has ceased delivering news-  
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122 3. Section 17 of P. L. 1940, chapter 153 (C. 34:2-21.17) is amended  
 123 to read as follows:

124 17. No minor under 16 years of age shall be employed, permitted  
 125 or suffered to work in, about, or in connection with power-driven  
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127 No minor under 18 years of age shall be employed, permitted or  
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- 130 red lead;

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30 dough brakes or mixing machines in bakeries or cracker  
31 machinery;  
32 calendar rolls or mixing rolls in rubber manufacturing;  
33 centrifugal extractors, or mangles in laundries or dry cleaning  
34 establishments;  
35 or reduction works, smelters, hot rolling mills, furnaces,  
36 foundries, forging shops, or any other place in which the  
37 heating, melting, or heat treatment of metals is carried on;  
38 mines or quarries;  
39 steam boilers carrying a pressure in excess of 15 pounds;  
40 construction work of any kind;  
41 fabrication or assembly of ships;  
42 operation or repair of elevators or other hoisting apparatus;  
43 the transportation of payrolls other than within the premises  
44 of the employer.  
45 No minor under 18 years of age shall be employed, permitted, or  
46-47 suffered to work in, about, or in connection with any establish-  
48 ment where alcoholic liquors are distilled, rectified, compounded,  
49 brewed, manufactured, bottled, or are sold for consumption on the  
50 premises, or in a pool or billiard room; provided, however, this sec-  
51 tion shall not apply to minors 16 years of age or over, employed as  
52 pinsetters only in public bowling alleys as provided in section 3  
53 hereof. No girl under the age of 18 years shall be employed, per-

54 mitted, or suffered to work as a messenger in the distribution or  
 55 delivery of goods or messages for any person, firm or corporation  
 56 engaged in the business of transmitting or delivering goods or  
 56A messages.

57 No minor under 18 years of age shall be employed, permitted, or  
 58 suffered to work in any place of employment, or at any occupation  
 59 hazardous or injurious to the life, health, safety, or welfare of  
 60 such minor, as such occupation shall, from time to time, be de-  
 61 termined and declared by the Commissioner of Labor to be  
 62 hazardous or injurious to the life, health, safety, or welfare of such  
 63 minors, after a public hearing thereon and after such notice as the  
 64 commissioner may by regulation prescribe.

65 Nothing in this section shall be construed to prevent the employ-  
 66 ment of minors between 16 and 18 years of age or more in a restau-  
 67 rant as defined in section 1 and as provided for in section 3 of this  
 68 act; provided, however, that no minor shall engage in the prepa-  
 69 ration, sale or serving of alcoholic beverages, nor in the sale of  
 70 cigarettes or other tobacco products, nor in the preparation or sale  
 71 of photographs, nor in any dancing or theatrical exhibition or per-  
 72 formance while so employed.

73 Nothing in this section shall be deemed to apply to the work done  
 74 by pupils in public or private schools of New Jersey, under the  
 75 supervision and instruction of officers or teachers of such organiza-  
 76 tions or schools, *or to a child who is at least 17 years of age em-*  
 77 *ployed in the type of work in which he majored under the conditions*  
 78 *of the special vocational school graduate permit provided in section*  
 79 *15 of this act (C. 34:2-21.17).*

1 4. Section 5 of P. L. 1966, chapter 113 (C. 34:11-56a4) is amended  
 2 to read as follows:

3 5. Every employer shall (a) on and after the expiration of 180  
 4 days following the date of enactment of this act pay to each of his  
 5 employees wages at a rate of not less than \$1.25 per hour, and (b)  
 6 on and after January 1, 1968 at a rate of not less than \$1.40 per  
 7 hour, and (c) on and after January 1, 1969 at a rate of not less  
 8 than \$1.50 per hour for 40 hours of working time in any week and  
 9 1 and ½ times such employee's regular hourly wage for each hour  
 10 of working time in excess of 40 hours in any week, except this over-  
 11 time rate shall not include any individual employed in a bona fide  
 12 executive, administrative, or professional capacity or, if an ap-  
 13 plicable wage order has been issued by the commissioner under  
 14 section 17 of this act, not less than the wages prescribed in said  
 15 order. The wage rates fixed in this section shall not be applicable  
 16 to employees engaged in domestic service in the home of the em-

17 ployer, to persons under the age of 18 *not possessing a special*  
18 *vocational school graduate permit issued pursuant to section 9 of*  
19 *chapter 153 of the Laws of 1940 (C. 34:2-21.9)* or to persons em-  
20 ployed as salesmen of motor vehicles; or to persons employed as  
21 outside salesmen as such term shall be defined and delimited in  
22 regulations adopted by the commissioner.

23 The provisions of this section for the payment to an employee of  
24 not less than 1½ times such employee's regular hourly rate for each  
25 hour of working time in excess of 40 hours in any week shall not  
26 apply to employees engaged to labor on a farm, or employed in a  
27 hotel or to an employee of a common carrier of passengers by  
28 motor bus or employees engaged in labor relative to the raising or  
29 care of livestock.

1 5. This act shall take effect immediately.



SENATE AMENDMENTS TO  
**SENATE, No. 493**

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**STATE OF NEW JERSEY**

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ADOPTED MARCH 9, 1970

Amend page 1, section 1, lines 1-24, omit section 1 in its entirety and renumber the following sections accordingly.

Amend page 1, section 2, line 1, omit "(C. 34:2-15)", insert "(C. 34:2-21.15)".

Amend page 2, section 2, line 13, omit ", when".

Amend page 2, section 2, line 14, omit "presented together with proof of age," insert "and an employment certificate mailed to the employer by the issuing officer".

Amend page 6, section 3, line 79, omit "(C. 34:2-21.17)", insert "(C. 34:2-21.15)".

Amend page 7, section 4, line 18, omit "9", insert "15".

Amend page 7, section 4, line 19, omit "(C. 34:2-21.9)", insert "(C. 34:2-21.15)".

SENATE, No. 493

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1970

By Senator SCIRO

Referred to Committee on Labor Relations

AN ACT relating to the employment of, and minimum wage rates payable to, certain minors 17 or more years of age and amending P. L. 1940, c. 153 and P. L. 1966, c. 113.

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

1 \***[1.** Section 9 of P. L. 1940, chapter 153 (C. 34:2-21.9) is amended  
2 to read as follows:

3 9. Upon request, it shall be the duty of the issuing officer to issue  
4 *to any vocational school graduate at least 17 years of age and to any*  
5 *young person between the ages of 18 and 21 years residing in his*  
6 *district and applying in person, who expresses a desire to enter*  
7 *employment, an age certificate upon presentation of the same proof*  
8 *of age as is required for the issuance of employment certificates*  
9 *under this act. A young person between the said ages nonresident*  
10 *of the State may apply to the issuing authority of any district*  
11 *where such person states he intends to seek employment. The*  
12 *age certificate shall state the color, name, sex, date and place of*  
13 *birth, residence, color of hair and eyes, height, and distinguishing*  
14 *facial marks, if any, and the kind of proof of age submitted. All*  
15 *copies thereof shall be signed in person by the applicant in the*  
16 *presence of the said issuing officer in whose name it is issued.*

17 Any employer before employing a minor may require him to  
18 produce an age certificate and sign his name for comparison with  
19 the signature on the certificate. If in his judgment the signature  
20 and characteristics of the child correspond with the signature and  
21 description in the certificate, the employer, on employing the child,  
22 may require and retain the certificate during the minor's employ-  
23 ment and shall return it to the minor upon the termination of his  
24 employment.]\*

1 \***[2.]**\* \*1.\* Section 15 of P. L. 1940, chapter 153 \***[(C. 34:2-15)]**\*  
2 \***(C. 34:2-21.15)**\* is amended to read as follows:

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

3 15. Except as hereinafter provided as to newspaperboys, no boy  
4 under 14 years of age and no girl under 18 years of age may engage  
5 in any street trade, which term, for the purpose of this section shall  
6 include the selling, offering for sale, soliciting for, collecting for,  
7 displaying, or distributing any articles, goods, merchandise, com-  
8 mercial service, posters, circulars, newspapers or magazines or in  
9 blacking shoes on any street or other public place or from house to  
10 house. No child under 12 years of age may be employed in agri-  
11 cultural pursuits.

12 *Whenever a child has graduated from vocational school\*\**, ap-  
13 *proved by the Commissioner of Education\*\* and is at least 17 years*  
14 *of age, his diploma or certified copy thereof\* [ when presented*  
15 *together with proof of age, ]\* and an employment certificate mailed*  
16 *to the employer by the issuing officer\* shall be deemed a special*  
17 *permit to engage in those pursuits in which he majored in said*  
17A *vocational school during those hours permitted for persons 18 years*  
17B *of age and over.*

18 Except as hereinafter provided as to newspaperboys, whenever  
19 a child under 16 years of age desires to work during such times as  
20 the schools of the district in which he resides are not in session in  
21 any street trade or in agricultural pursuits, the parent, guardian or  
22 other person having the custody and control of the child may file  
23 with the issuing officer in the school district in which the child  
24 resides an application for a special permit authorizing such work.  
25 Such application shall show the exact character of the work the  
26 child is to do, and the hours and wages and special conditions under  
27 which said work is to be performed.

28 If upon investigation it is found that the facts set forth in the  
29 application are true and that the work will not interfere with the  
30 child's health or standing in school, the issuing officer shall, upon  
31 presentation to him of the same proof of age as is required for the  
32 issuance of an employment certificate, issue a special permit, allow-  
33 ing the child to work at such times as the public schools in the dis-  
34 trict are not in session, but such work except in agricultural  
35 pursuits, and as newspaperboys, to be otherwise subject to the  
36 maximum hours of labor provisions set for minors under 16 years  
37 of age in section 3 of this act; provided, that nothing in this  
38 act shall prevent newspaperboys as defined in this act, between  
39 12 and 14 years of age, from delivering, soliciting, selling and  
40 collecting for newspapers on routes in residential neighborhoods  
41 between the hours of 6:00 o'clock in the morning and 7:00 o'clock  
42 in the evening of any day; and newspaperboys 14 years of age and  
43 older from delivering, soliciting, selling and collecting for news-  
44 papers on routes in residential neighborhoods between the hours

45 of 5:30 o'clock in the morning and 8:00 o'clock in the evening of  
46 any day; and provided further that no newspaperboy under the age  
47 of 18 years shall be permitted to engage in such occupation beyond  
48 the period of time wherein the combined hours devoted to said  
49 occupation as a newspaperboy and the hours in school shall exceed  
50 a total of 40 hours per week and not more than 8 hours in any 1 day;  
51 and provided, further, that children engaged in agricultural pur-  
52 suits may be employed no more than 10 hours per day.

53 Such special permit shall show the name, address, and date of  
54 birth of the minor for whom it is issued, the kind of proof of age  
55 submitted, the nature of the occupation in which the minor is to  
56 engage, and such other information as the commissioner of Edu-  
57 cation may require.

58 Any such special permit for work in agriculture shall be issued  
59 for a period not to exceed 6 months and shall show its date of  
60 expiration. Any person employing a minor under 16 years of age  
61 in agriculture shall obtain such a certificate from the minor and  
62 keep it on file during the period of the minor's employment and  
63 shall return it to the minor to whom it is issued upon termination  
64 of his employment.

65 Upon application by the parent, guardian or other person having  
66 custody and control of a newspaperboy as defined in this act, be-  
67 tween the ages of 12 and 18 years of age, to the publisher of any  
68 newspaper in this State and upon receiving satisfactory proof of  
69 age and a signed statement of physical fitness, such publisher may  
70 issue to such newspaperboy a special permit on a form prescribed  
71 and approved by the Commissioner of Education, whereby he shall  
72 be permitted to deliver, solicit, sell and collect for newspapers out-  
73 side of his school hours on residential routes, and on Sundays and  
74 during school vacations and no other employment certificate shall  
75 be required.

76 Such special permit shall show the name, address and date of  
77 birth of the newspaperboy for whom it is issued, and such other  
78 information as the Commissioner of Education may require.

79 The publisher shall forthwith mail 3 copies of such special permit  
80 to the issuing officer as defined in section 1 of this act, one of which  
81 copies shall be forwarded to the Commissioner of Education and  
82 one copy to the Commissioner of Labor and Industry in such man-  
83 ner as may be provided by regulation of said commissioners. A  
84 copy of such special permit shall also be furnished by the publisher  
85 to the parent, guardian or other person having custody and control  
86 of the newspaperboy and the publisher shall retain at all times a  
87 file copy thereof.

88 The special permit shall remain in full force and effect unless  
 89 and until the publisher has knowledge of or is notified by the issuing  
 90 officer or the Commissioner of Labor and Industry that the news-  
 91 paperboy is not physically fit or that in the opinion of the issuing  
 92 officer or the Commissioner of Labor and Industry, engaging in  
 93 the occupation as a newspaperboy will be harmful to his education.  
 94 In such case, the said special permit shall be suspended unless and  
 95 until the issuing officer shall revoke said notification. In the event  
 96 of such notification and suspension, however, if either the parent,  
 97 guardian or other person having custody and control of the news-  
 98 paperboy or the publisher shall deem such decision to be erroneous,  
 99 an appeal may be made to the Commissioner of Education who  
 100 shall have authority to affirm, reverse or modify such decision of  
 101 the issuing officer or the Commissioner of Labor and Industry.

102 The publisher shall keep a record of the name, address and birth  
 103 date of each newspaperboy to whom such special permit is issued;  
 104 the date said newspaperboy commenced and ceased delivering news-  
 105 papers published by said publisher together with a record of the  
 106 number of newspapers sold to each newspaperboy and a general  
 107 description of the area of the route served by each newspaperboy.  
 108 Such records shall be kept on file by said publisher for a period  
 109 of 2 years after the newspaperboy has ceased delivering news-  
 110 papers published by said publisher.

111 The special permit shall remain in full force and effect unless  
 112 and until the publisher is notified by the issuing officer or the Com-  
 113 missioner of Labor and Industry that the newspaperboy is not  
 114 physically fit or that the newspaperboy's school record is such that  
 115 engaging in the occupation of a newspaperboy will be harmful to  
 116 his education. In such case, however, if either the parent, guardian  
 117 or other person having custody and control of the newspaperboy  
 118 or the publisher shall deem such decision to be erroneous, an appeal  
 119 may be made to the Commissioner of Education who shall have  
 120 authority to reverse or modify such decision of the issuing officer  
 121 or the Commissioner of Labor and Industry.

1 \***[3.]**\* \*2.\* Section 17 of P. L. 1940, chapter 153 (C. 34:2-21.17)  
 2 is amended to read as follows:

3 17. No minor under 16 years of age shall be employed, permitted  
 4 or suffered to work in, about, or in connection with power-driven  
 5 machinery.

6 No minor under 18 years of age shall be employed, permitted or  
 7 suffered to work in, about, or in connection with the following:

8 the manufacture or packing of paints, colors, white lead, or  
 9 red lead;

10 the handling of dangerous or poisonous acids or dyes; injurious  
11 quantities of toxic or noxious dust, gases, vapors or fumes;  
12 work involving exposure to benzol or any benzol compound which  
13 is volatile or which can penetrate the skin;  
14 the manufacture, transportation or use of explosives or highly  
15 inflammable substances;  
16 oiling, wiping, or cleaning machinery in motion or assisting  
17 therein;  
18 operation or helping in the operation of power-driven wood-  
19 working machinery; provided, that apprentices operating un-  
20 der conditions of bona fide apprenticeship may operate such  
21 machines under competent instruction and supervision;  
22 grinding, abrasive, polishing or buffing machines, provided that  
23 apprentices operating under conditions of bona fide apprentice-  
24 ship may grind their own tools.  
25 punch presses or stamping machines if the clearance between the  
26 ram and the dye or the stripper exceeds  $\frac{1}{4}$  inch;  
27 cutting machines having a guillotine action;  
28 corrugating, crimping or embossing machines;  
29 paper lace machines;  
30 dough brakes or mixing machines in bakeries or cracker  
31 machinery;  
32 calendar rolls or mixing rolls in rubber manufacturing;  
33 centrifugal extractors, or mangles in laundries or dry cleaning  
34 establishments;  
35 or reduction works, smelters, hot rolling mills, furnaces,  
36 foundries, forging shops, or any other place in which the  
37 heating, melting, or heat treatment of metals is carried on;  
38 mines or quarries;  
39 steam boilers carrying a pressure in excess of 15 pounds;  
40 construction work of any kind;  
41 fabrication or assembly of ships;  
42 operation or repair of elevators or other hoisting apparatus;  
43 the transportation of payrolls other than within the premises  
44 of the employer.  
45 No minor under 18 years of age shall be employed, permitted, or  
46-47 suffered to work in, about, or in connection with any establish-  
48 ment where alcoholic liquors are distilled, rectified, compounded,  
49 brewed, manufactured, bottled, or are sold for consumption on the  
50 premises, or in a pool or billiard room; provided, however, this sec-  
51 tion shall not apply to minors 16 years of age or over, employed as  
52 pinsetters only in public bowling alleys as provided in section 3  
53 hereof. No girl under the age of 18 years shall be employed, per-

54 mitted, or suffered to work as a messenger in the distribution or  
 55 delivery of goods or messages for any person, firm or corporation  
 56 engaged in the business of transmitting or delivering goods or  
 56A messages.

57 No minor under 18 years of age shall be employed, permitted, or  
 58 suffered to work in any place of employment, or at any occupation  
 59 hazardous or injurious to the life, health, safety, or welfare of  
 60 such minor, as such occupation shall, from time to time, be de-  
 61 termined and declared by the Commissioner of Labor to be  
 62 hazardous or injurious to the life, health, safety, or welfare of such  
 63 minors, after a public hearing thereon and after such notice as the  
 64 commissioner may by regulation prescribe.

65 Nothing in this section shall be construed to prevent the employ-  
 66 ment of minors between 16 and 18 years of age or more in a restau-  
 67 rant as defined in section 1 and as provided for in section 3 of this  
 68 act; provided, however, that no minor shall engage in the prepa-  
 69 ration, sale or serving of alcoholic beverages, nor in the sale of  
 70 cigarettes or other tobacco products, nor in the preparation or sale  
 71 of photographs, nor in any dancing or theatrical exhibition or per-  
 72 formance while so employed.

73 Nothing in this section shall be deemed to apply to the work done  
 74 by pupils in public or private schools of New Jersey, under the  
 75 supervision and instruction of officers or teachers of such organiza-  
 76 tions or schools, *or to a child who is at least 17 years of age em-*  
 77 *ployed in the type of work in which he majored under the conditions*  
 78 *of the special vocational school graduate permit provided in section*  
 79 *15 of this act \*[(C. 34:2-21.17)]\* \*(C. 34:2-21.15).\**

1 \***[4.]**\* \*3.\* Section 5 of P. L. 1966, chapter 113 (C. 34:11-56a4)  
 2 is amended to read as follows:

3 5. Every employer shall (a) on and after the expiration of 180  
 4 days following the date of enactment of this act pay to each of his  
 5 employees wages at a rate of not less than \$1.25 per hour, and (b)  
 6 on and after January 1, 1968 at a rate of not less than \$1.40 per  
 7 hour, and (c) on and after January 1, 1969 at a rate of not less  
 8 than \$1.50 per hour for 40 hours of working time in any week and  
 9 1 and ½ times such employee's regular hourly wage for each hour  
 10 of working time in excess of 40 hours in any week, except this over-  
 11 time rate shall not include any individual employed in a bona fide  
 12 executive, administrative, or professional capacity or, if an ap-  
 13 plicable wage order has been issued by the commissioner under  
 14 section 17 of this act, not less than the wages prescribed in said  
 15 order. The wage rates fixed in this section shall not be applicable  
 16 to employees engaged in domestic service in the home of the em-

17 ployer, to persons under the age of 18 *not possessing a special*  
18 *vocational school graduate permit issued pursuant to section \***[9]**\**  
19 *\*15\* of chapter 153 of the Laws of 1940 \***[(C. 34:2-21.9)]**\**  
20 *\*(C. 34:2-21.15)\** or to persons employed as salesmen of motor  
21 vehicles; or to persons employed as outside salesmen as such term  
22 shall be defined and delimited in regulations adopted by the  
22A commissioner.

23 The provisions of this section for the payment to an employee of  
24 not less than 1½ times such employee's regular hourly rate for each  
25 hour of working time in excess of 40 hours in any week shall not  
26 apply to employees engaged to labor on a farm, or employed in a  
27 hotel or to an employee of a common carrier of passengers by  
28 motor bus or employees engaged in labor relative to the raising or  
29 care of livestock.

1 \***[5.]**\* \*4.\* This act shall take effect immediately.