

34:2-21.17

**LEGISLATIVE HISTORY CHECKLIST**  
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(Child labor--  
volunteer work)

**NJSA:** 34:2-21.17

**LAWS OF:** 1994 **CHAPTER:** 82

**BILL NO:** S481

**SPONSOR(S):** Cafiero and Zane

**DATE INTRODUCED:** January 31, 1994

**COMMITTEE:** **ASSEMBLY:** Insurance

**SENATE:** Women's Issues

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** June 16, 1994

**SENATE:** March 31, 1994

**DATE OF APPROVAL:** August 3, 1994

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

[FIRST REPRINT]

SENATE, No. 481

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1994

By Senators CAFIERO, ZANE and  
MacInnes

1 AN ACT concerning minors engaged in certain volunteer  
2 activities, and amending and supplementing P.L.1940, c.153.

3  
4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. (New section) Concurrent with all other provisions of  
7 P.L.1940, c.153 (C.34:2-21.1 et seq.), minors who are 14 through  
8 17 years of age shall be permitted to work as volunteers for  
9 nonprofit organizations engaged in the construction of affordable  
10 housing as determined by the Commissioner of Labor subject to  
11 the following provisions:

12 a. That under no circumstances shall a minor be permitted to  
13 work in a project involving the construction of affordable housing  
14 that is in any way associated with a profit making commercial  
15 enterprise;

16 b. That no minor shall operate, perform maintenance, clean,  
17 inspect or work in, about, or in connection with any power driven  
18 machinery involved in the construction of affordable housing;

19 c. That no minor shall engage in the construction of affordable  
20 housing without the safety equipment required by law;

21 d. That no minor shall be permitted to work as a volunteer in  
22 the construction of affordable housing except under the direct  
23 supervision of an adult;

24 e. That no minor shall be exposed to hazardous waste products  
25 or other hazardous substances; <sup>1</sup>[and]<sup>1</sup>

26 f. <sup>1</sup>That no minor shall be permitted to work on any  
27 excavation, scaffolding or roofing;

28 g. That no minor shall be permitted to work:

29 (1) during school hours;

30 (2) before 7 a.m.;

31 (3) after 7 p.m.; except that minors may work until 9 p.m.  
32 between Memorial Day and Labor Day;

33 (4) for more than five consecutive hours without a half-hour  
34 break; and

35 (5) for more than 18 hours per week when school is in session;  
36 and

37 h.<sup>1</sup> That the nonprofit organization engaged in the  
38 construction of affordable housing has secured <sup>1</sup>[adequate]<sup>1</sup>  
39 liability insurance to provide compensation for all injuries <sup>1</sup>,  
40 including, but not limited to, occupational illness,<sup>1</sup> sustained by  
41 minors working voluntarily in the construction of affordable  
42 housing. <sup>1</sup>The insurance required by this section shall have

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AIN committee amendments adopted May 19, 1994.

1 coverage limits of at least \$2,500,000 per occurrence, at least  
2 \$2,500,000 aggregate per year and \$250,000 for property damage,  
3 or such higher amounts as the Commissioner of Insurance may  
4 promulgate from time to time to adjust for inflation.<sup>1</sup>

5 2. (New section) A minor working voluntarily in the  
6 construction of affordable housing pursuant to section 1 of this  
7 act shall not be deemed an employee under R.S.34:15-36. A  
8 nonprofit organization which uses the services of a minor under  
9 this act shall not be subject to R.S.34:15-10, provided that the  
10 nonprofit organization has fully complied with P.L.1940, c.153  
11 (C.34:2-21.1 et seq.) and the provisions of this act.

12 3. Section 17 of P.L.1940, c.153 (C.34:2-21.17) is amended to  
13 read as follows:

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

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

19 The manufacture or packing of paints, colors, white lead, or  
20 red lead;

21 The handling of dangerous or poisonous acids or dyes; injurious  
22 quantities of toxic or noxious dust, gases, vapors or fumes;

23 Work involving exposure to benzol or any benzol compound  
24 which is volatile or which can penetrate the skin;

25 The manufacture, transportation or use of explosives or highly  
26 inflammable substances;

27 Oiling, wiping, or cleaning machinery in motion or assisting  
28 therein;

29 Operation or helping in the operation of power-driven  
30 woodworking machinery; provided, that apprentices operating  
31 under conditions of bona fide apprenticeship may operate such  
32 machines under competent instruction and supervision;

33 Grinding, abrasive, polishing or buffing machines; provided,  
34 that apprentices operating under conditions of bona fide  
35 apprenticeship may grind their own tools;

36 Punch presses or stamping machines if the clearance between  
37 the ram and the dye or the stripper exceeds 1/4 inch;

38 Cutting machines having a guillotine action;

39 Corrugating, crimping or embossing machines;

40 Paper lace machines;

41 Dough brakes or mixing machines in bakeries or cracker  
42 machinery;

43 Calender rolls or mixing rolls in rubber manufacturing;

44 Centrifugal extractors, or mangles in laundries or dry cleaning  
45 establishments;

46 Ore reduction works, smelters, hot rolling mills, furnaces,  
47 foundries, forging shops, or any other place in which the heating,  
48 melting, or heat treatment of metals is carried on;

49 Mines or quarries;

50 Steam boilers carrying a pressure in excess of 15 pounds;

51 Construction work of any kind, except in the construction of  
52 affordable housing as a volunteer for a nonprofit organization as  
53 provided in section 1 of P.L. , c. (C. ) (now before the  
54 Legislature as this bill);

1 Fabrication or assembly of ships;  
2 Operation or repair of elevators or other hoisting apparatus;  
3 The transportation of payrolls other than within the premises  
4 of the employer.

5 No minor under 18 years of age shall be employed, permitted,  
6 or suffered to work in, about, or in connection with any  
7 establishment where alcoholic liquors are distilled, rectified,  
8 compounded, brewed, manufactured, bottled, or are sold for  
9 consumption on the premises, or in a pool or billiard room;  
10 provided, however, this paragraph shall not apply to minors 16  
11 years of age or over, employed as pinsetters, lane attendants, or  
12 busboys in public bowling alleys as provided in section 3 of  
13 P.L.1940, c.153 (C.34:2-21.3) or to minors employed in theatrical  
14 productions where alcoholic beverages are sold on the premises.

15 Minors 14 years of age or over may be employed as golf course  
16 caddies and pool attendants.

17 No minor under 18 years of age shall be employed, permitted,  
18 or suffered to work in any place of employment, or at any  
19 occupation hazardous or injurious to the life, health, safety, or  
20 welfare of such minor, as such occupation shall, from time to  
21 time, be determined and declared by the Commissioner of Labor  
22 to be hazardous or injurious to the life, health, safety, or welfare  
23 of such minors, after a public hearing thereon and after such  
24 notice as the commissioner may by regulation prescribe.

25 None of the provisions of this section regarding employment in  
26 connection with alcoholic liquors shall be construed to prevent  
27 the employment of minors 16 years of age or more in a restaurant  
28 as defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as  
29 provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a  
30 public bowling alley as provided in this section, or in the  
31 executive offices, maintenance departments, or pool or beach  
32 areas of a hotel, motel or guesthouse; provided, however, that no  
33 minor shall engage in the preparation, sale or serving of alcoholic  
34 beverages, nor in the preparation of photographs, nor in any  
35 dancing or theatrical exhibition or performance which is not part  
36 of a theatrical production where alcoholic beverages are sold on  
37 the premises, while so employed; and provided, further, that any  
38 minor so employed shall be closely supervised while engaged in  
39 the clearing of alcoholic beverages.

40 Nothing in this section shall be deemed to apply to the work  
41 done by pupils in public or private schools of New Jersey, under  
42 the supervision and instruction of officers or teachers of such  
43 organizations or schools, or to a minor who is 17 years of age  
44 employed in the type of work in which such minor majored under  
45 the conditions of the special vocational school graduate permit  
46 provided in section 15 of P.L.1940, c.153 (C.34:2-21.15).

47 Nothing in this section shall be construed to prevent minors 16  
48 years of age or older who are members of a Junior Firemen's  
49 Auxiliary, created pursuant to N.J.S.40A:14-95, from engaging in  
50 any activities authorized by N.J.S.40A:14-98.

51 Notwithstanding any provision of this section to the contrary, a  
52 minor who is 15 years of age or older may work as a cashier or  
53 bagger on or near a supermarket or retail establishment cash  
54 register conveyor belt.

55 (cf: P.L.1989, c.121, s.2)

1 4. This act shall take effect immediately.

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7 Permits minors to work as volunteers for nonprofit organizations  
engaged in the construction of affordable housing.

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#### STATEMENT

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43 This bill revises the State's child labor laws to permit minors  
44 who are 14 years of age or older to work as volunteers for  
45 nonprofit organizations engaged in the construction of affordable  
46 housing. The bill applies only to construction which is done on a  
47 nonprofit basis. It requires adult supervision of the volunteers  
48 and stipulates that minors working voluntarily in the construction  
49 of affordable housing must use the appropriate safety equipment  
50 mandated by law. It also prohibits these minors from: (a)  
51 operating or servicing any power driven machinery while working;  
52 and (b) handling or being exposed to hazardous substances.  
53 Finally, it requires nonprofit organizations engaged in the  
54 construction of affordable housing to comply with all other

1 provisions of the child labor laws and to provide adequate  
2 insurance for the volunteers under general tort liability  
3 standards. The provisions requiring this insurance is necessary  
4 because the bill specifically excludes these volunteers from the  
5 provisions of the workers' compensation law.

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11 Permits minors to work as volunteers for nonprofit organizations  
engaged in the construction of affordable housing.

ASSEMBLY INSURANCE COMMITTEE

STATEMENT TO

SENATE, No. 481

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 1994

The Assembly Insurance Committee reports favorably Senate, No. 481, with committee amendments.

As amended by the committee, this bill revises the State's child labor laws to permit minors who are 14 years of age or older to work as volunteers for nonprofit organizations engaged in the construction of affordable housing. The bill applies only to construction which is done on a nonprofit basis. It requires adult supervision of the volunteers and stipulates that minors working voluntarily in the construction of affordable housing must use the appropriate safety equipment mandated by law. It also prohibits these minors from: (a) operating or servicing any power driven machinery while working; and (b) handling or being exposed to hazardous substances. Finally, it requires nonprofit organizations engaged in the construction of affordable housing to comply with all other provisions of the child labor laws and to provide insurance coverage for the volunteers. The provisions requiring this insurance is necessary because the bill specifically excludes these volunteers from the provisions of the workers' compensation law.

The amendments further limit the types of work that minors would be permitted to do by prohibiting them from working on any excavation, scaffolding or roofing. The amendments also limit the number of hours that the minors could work by prohibiting them from working during school hours, and before 7 a.m. or after 7 p.m., except between Memorial Day and Labor Day.

Additionally, the amendments provide that minors would not be permitted to work more than 18 hours without a half-hour break or for more than 18 hours per week when school is in session.

With respect to insurance coverage that would be required, the amendments change the requirement that liability insurance be "adequate" to a requirement that coverage limits would be at least \$2,500,000 per occurrence, \$2,500,000 aggregate per year and \$250,000 for property damage, or such higher amounts as the Commissioner of Insurance may promulgate from time to time to adjust for inflation.

As reported, this bill is identical to Assembly, No. 265(1R).



SENATE WOMEN'S ISSUES, CHILDREN  
AND FAMILY SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 481

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1994

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No 481.

This bill revises the State's child labor laws to permit minors who are 14 years of age or older to work as volunteers for nonprofit organizations engaged in the construction of affordable housing. The bill applies only to construction which is done on a nonprofit basis. It requires adult supervision of the volunteers and stipulates that minors working voluntarily in the construction of affordable housing must use the appropriate safety equipment mandated by law. It also prohibits these minors from: (a) operating or servicing any power driven machinery while working; and (b) handling or being exposed to hazardous substances. Finally, it requires nonprofit organizations engaged in the construction of affordable housing to comply with all other provisions of the child labor laws and to provide adequate insurance for the volunteers under general tort liability standards. The provisions requiring this insurance is necessary because the bill specifically excludes these volunteers from the provisions of the workers' compensation law.