

## LAWS OF ARIZONA

## CHAPTER 40

Senate Bill 1125

## AN ACT

RELATING TO LABOR; PRESCRIBING LIMITATIONS ON LABOR OF CHILDREN; PROVIDING FOR ATTENDANCE OF CHILD AT PUBLIC SCHOOL OPERATED ON AN EXTENDED YEAR BASIS; AMENDING SECTION 15-321, ARIZONA REVISED STATUTES; REPEALING SECTION 15-322, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-323 AND 15-328, ARIZONA REVISED STATUTES; REPEALING TITLE 23, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 3, AND AMENDING SECTION 23-951, ARIZONA REVISED STATUTES.

**Be it enacted by the Legislature of the State of Arizona:**

Section 1. Section 15-321, Arizona Revised Statutes, is amended to read:

**15-321. Compulsory school attendance; exceptions**

A. Every person who has custody of a child between the ages of eight and sixteen years shall send the child to a public school for the full time school is in session within the district in which the child resides EXCEPT THAT IF A SCHOOL IS OPERATED ON AN EXTENDED YEAR BASIS EACH CHILD SHALL REGULARLY ATTEND DURING SCHOOL SESSIONS WHICH TOTAL NOT LESS THAN ONE HUNDRED SEVENTY-FIVE DAYS, OR THE EQUIVALENT AS APPROVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION, DURING THE SCHOOL YEAR.

B. A person shall be excused by the board of trustees from the duty prescribed by subsection A when it is shown to the satisfaction of the board and the county school superintendent that:

1. The child is instructed at home by a competent teacher in the subjects given in the common schools of the state.
2. The child is attending a regularly organized private or parochial school taught by competent teachers for the full time that the public schools of the district are in session.

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3. The child is in such physical or mental condition that attendance at a public school is inexpedient or impracticable.
4. The child has completed the grammar school courses prescribed by the state board of education.
5. The child has presented reasons for nonattendance which are satisfactory to a board consisting of the president of the local board of trustees, the teacher of the child and the probation officer of the superior court of the county.
6. The child is over fourteen years of age and is, with the consent of his parents or guardian, employed at some lawful wage-earning occupation.
7. THE CHILD IS AN ENROLLEE IN A WORK TRAINING, CAREER EDUCATION, VOCATIONAL OR MANUAL TRAINING PROGRAM WHICH MEETS THE EDUCATIONAL STANDARDS ESTABLISHED AND APPROVED BY THE STATE DEPARTMENT OF EDUCATION.

**Sec. 2. Repeal**

Section 15-322, Arizona Revised Statutes, is repealed.

Sec. 3. Section 15-323, Arizona Revised Statutes, is amended to read:

**15-323. Violation; penalty**

A person violating any provision of ~~sections~~ SECTION 15-321 ~~or 15-322~~ is guilty of a misdemeanor, punishable by a fine of not less than five nor more than three hundred dollars, imprisonment for not less than one nor more than ninety days, or both.

Sec. 4. Section 15-328, Arizona Revised Statutes, is amended to read:

**15-328. Part-time schools for employed children; school hours counted as hours of employment**

A. In a school district in which fifteen ~~employment certificates have been issued~~ OR MORE CHILDREN ARE EMPLOYED, there shall be a part-time school or class. The part-time school shall give instructions for not less than one hundred fifty hours per year and for not less than five hours per week between the hours of eight a.m. and six p.m.

B. The state superintendent of public instruction may excuse a district from establishing a part-time school.

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C. When the number of hours for which a child over fourteen years and less than sixteen years of age may be employed is fixed by law, the hours of attendance in a part-time school shall be counted as hours of employment.

**Sec. 5. Repeal**

Title 23, chapter 2, article 3, Arizona Revised Statutes, is repealed.

Sec. 6. Title 23, chapter 2, Arizona Revised Statutes, is amended by adding a new article 3, sections 23-231 through 23-240, to read:

## ARTICLE 3. EMPLOYMENT OF CHILDREN

**23-231. Prohibited employments of children under the age of eighteen**

NO CHILD UNDER THE AGE OF EIGHTEEN YEARS SHALL BE EMPLOYED OR ALLOWED TO WORK IN, ABOUT OR IN CONNECTION WITH:

1. OCCUPATIONS IN OR ABOUT PLANTS OR ESTABLISHMENTS MANUFACTURING OR STORING EXPLOSIVES OR ARTICLES CONTAINING EXPLOSIVE COMPONENTS.
2. OCCUPATIONS OF MOTOR VEHICLE DRIVER AND OUTSIDE HELPER.
3. COAL MINE OCCUPATIONS.
4. LOGGING OCCUPATIONS AND OCCUPATIONS IN THE OPERATION OF ANY SAWMILL, LATH MILL, SHINGLE MILL OR COOPERAGE STOCK MILL.
5. OCCUPATIONS INVOLVED IN THE OPERATION OF POWER-DRIVEN WOODWORKING MACHINES.
6. OCCUPATIONS INVOLVING EXPOSURE TO RADIOACTIVE SUBSTANCES AND TO IONIZING RADIATIONS.
7. OCCUPATIONS INVOLVED IN THE OPERATION OF ELEVATORS AND OTHER POWER-DRIVEN HOISTING APPARATUS.
8. OCCUPATIONS INVOLVED IN THE OPERATION OF POWER-DRIVEN METAL FORMING, PUNCHING AND SHEARING MACHINES.

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9. OCCUPATIONS IN CONNECTION WITH MINING OTHER THAN COAL.

10. OCCUPATIONS INVOLVED IN SLAUGHTERING, MEAT PACKING, PROCESSING OR RENDERING.

11. OCCUPATIONS INVOLVED IN THE OPERATION OF CERTAIN POWER-DRIVEN BAKERY MACHINES.

12. OCCUPATIONS INVOLVED IN THE OPERATION OF CERTAIN POWER-DRIVEN PAPER PRODUCTS MACHINES.

13. OCCUPATIONS INVOLVED IN THE MANUFACTURE OF BRICK, TILE AND KINDRED PRODUCTS.

14. OCCUPATIONS INVOLVED IN THE OPERATION OF CIRCULAR SAWS, GUILLOTINE SHEARS AND BAND SAWS.

15. OCCUPATIONS INVOLVED IN WRECKING, DEMOLITION AND SHIPBREAKING OPERATIONS.

16. OCCUPATIONS INVOLVED IN ROOFING OPERATIONS.

17. OCCUPATIONS IN EXCAVATION OPERATIONS.

18. EMPLOYMENT IN ANY OTHER OCCUPATION DECLARED BY THE INDUSTRIAL COMMISSION TO BE DANGEROUS TO LIVES OR LIMBS OR INJURIOUS TO THE HEALTH AND MORALS OF CHILDREN BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN YEARS.

23-232. **Prohibited employments of children under the age of sixteen**

NO CHILD UNDER THE AGE OF SIXTEEN YEARS SHALL BE EMPLOYED OR ALLOWED TO WORK IN, ABOUT OR IN CONNECTION WITH:

- 1. ANY MANUFACTURING OCCUPATION.
- 2. ANY MINING OCCUPATION.
- 3. PROCESSING OCCUPATIONS SUCH AS FILLETING FISH, DRESSING POULTRY, CRACKING NUTS OR LAUNDERING IN A COMMERCIAL LAUNDRY.

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4. OCCUPATIONS REQUIRING THE PERFORMANCE OF DUTIES IN WORKROOMS OR WORKPLACES WHERE GOODS ARE MANUFACTURED, MINED OR OTHERWISE PROCESSED.

5. PUBLIC MESSENGER SERVICE, EXCEPT ERRAND AND DELIVERY WORK BY FOOT, BICYCLE AND PUBLIC TRANSPORTATION.

6. OPERATION OR TENDING OF HOISTING APPARATUS OR OF ANY POWER-DRIVEN MACHINERY.

7. OCCUPATIONS IN CONNECTION WITH TRANSPORTATION OF PERSONS OR PROPERTY BY RAIL, HIGHWAY, AIR, ON WATER, PIPELINE OR OTHER MEANS.

8. OCCUPATIONS IN CONNECTION WITH WAREHOUSING AND STORAGE.

9. OCCUPATIONS IN CONNECTION WITH COMMUNICATION AND PUBLIC UTILITIES.

10. OCCUPATIONS IN CONSTRUCTION AND REPAIR.

11. ANY OF THE FOLLOWING OCCUPATIONS IN A RETAIL FOOD OR GASOLINE SERVICE ESTABLISHMENT.

(a) WORK IN OR ABOUT BOILER OR ENGINE ROOMS.

(b) WORK IN CONNECTION WITH MAINTENANCE OR REPAIR OF THE ESTABLISHMENT, MACHINES OR EQUIPMENT, EXCEPT WORK IN CONNECTION WITH CARS AND TRUCKS IF CONFINED TO DISPENSING GASOLINE AND OIL, COURTESY SERVICE, CAR CLEANING, WASHING AND POLISHING, AND OTHER OCCUPATIONS PERMITTED BY THIS SECTION, BUT NOT INCLUDING WORK INVOLVING THE INFLATION OF ANY TIRE MOUNTED ON A RIM EQUIPPED WITH A REMOVABLE RETAINING RING.

(c) OUTSIDE WINDOW WASHING THAT INVOLVES WORKING FROM WINDOW SILLS, AND ALL WORK REQUIRING THE USE OF LADDERS, SCAFFOLDS OR THEIR SUBSTITUTES.

(d) COOKING AND BAKING, EXCEPT AT SODA FOUNTAINS, LUNCH COUNTERS, SNACK BARS OR CAFETERIA SERVING COUNTERS.

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(e) OCCUPATIONS WHICH INVOLVE SETTING UP, ADJUSTING, CLEANING, OILING OR REPAIRING POWER-DRIVEN FOOD SLICERS AND GRINDERS, FOOD CHOPPERS AND CUTTERS AND BAKERY TYPE MIXERS.

(f) WORK IN FREEZERS AND MEAT COOLERS AND ALL WORK IN PREPARATION OF MEATS FOR SALE, EXCEPT WRAPPING, SEALING, LABELING, WEIGHING, PRICING AND STOCKING WHEN PERFORMED IN OTHER AREAS.

(g) LOADING AND UNLOADING GOODS TO AND FROM TRUCKS, RAILROAD CARS OR CONVEYORS.

## 12. ANY OF THE FOLLOWING OCCUPATIONS IN AGRICULTURE:

(a) OPERATING A TRACTOR OVER TWENTY PTO HORSEPOWER OR CONNECTING OR DISCONNECTING AN IMPLEMENT OR ANY OF ITS PARTS TO OR FROM SUCH TRACTOR.

(b) OPERATING A CORN PICKER, COTTON PICKER, GRAIN COMBINE, HAY MOWER, FORAGE HARVESTER, HAY BALER, POTATO DIGGER, MOBIL PEA VINER, FEED GRINDER, CROP DRYER, FORAGE BLOWER, AUGER CONVEYOR OR SELF UNLOADING WAGON, POWER POST HOLE DIGGER, POWER DRIVEN NONWALKING ROTARY TYPE TILLER, TRENCHER OR EARTHMOVING EQUIPMENT, FORK LIFT, POTATO COMBINE, POWER-DRIVEN CHAIN OR BAND SAW. IN THIS SUBDIVISION "OPERATING" MEANS OPERATING AND ASSISTING IN OPERATING THE VARIOUS MACHINES AND MACHINERY, INCLUDING STARTING, STOPPING, ADJUSTING, FEEDING OR ANY OTHER ACTIVITY REGARDING PHYSICAL CONDUCT ASSOCIATED WITH THE OPERATIONS OF SUCH MACHINES AND MACHINERY.

(c) WORKING IN A PEN OCCUPIED BY A BULL, BOAR OR STUD HORSE MAINTAINED FOR BREEDING PURPOSES, A SOW WITH YOUNG PIGS OR A COW WITH NEWBORN CALF.

(d) FELLING, BUCKING, SKIDDING OR UNLOADING TIMBER WITH BUTT MORE THAN SIX INCHES IN DIAMETER.

(e) PICKING OR PRUNING, OR REPAIRING A BUILDING, FROM A LADDER OF OVER TWENTY FEET IN HEIGHT.

(f) RIDING ON A TRACTOR AS A HELPER OR DRIVING A BUS, TRUCK OR AUTOMOBILE.

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(g) WORKING INSIDE A FRUIT, FORAGE OR GRAIN FORAGE DESIGNED TO RETAIN AN OXYGEN DEFICIENT OR TOXIC ATMOSPHERE, AN UPRIGHT SILO WITHIN TWO WEEKS AFTER SILAGE HAS BEEN ADDED, A MANURE PIT OR A HORIZONTAL SILO WHILE OPERATING A TRACTOR FOR PACKING PURPOSES.

(h) HANDLING AGRICULTURAL CHEMICALS CLASSIFIED AS POISON.

(i) HANDLING A BLASTING AGENT, INCLUDING, BUT NOT LIMITED TO, DYNAMITE, BLACK POWDER, SENSITIZED AMMONIUM NITRATE, BLASTING CAPS OR PRIMER CORD.

(j) TRANSPORTING, TRANSFERRING OR APPLYING ANHYDROUS AMMONIA.

**23-233. Permissible hours of labor for children; exceptions**

A. FOR THE PURPOSES OF THIS SECTION, "NIGHT" MEANS THOSE HOURS BETWEEN NINE THIRTY O'CLOCK P.M. AND SIX O'CLOCK A.M.

B. EMPLOYMENT OF CHILDREN UNDER THE AGE OF SIXTEEN SHALL BE CONFINED TO:

1. NOT MORE THAN FORTY HOURS IN ANY ONE WEEK WHEN THE CHILD IS NOT ENROLLED IN A SESSION OF SCHOOL OR WHEN SCHOOL IS NOT IN SESSION.

2. NOT MORE THAN EIGHTEEN HOURS IN ANY ONE WEEK WHEN THE CHILD IS ENROLLED IN ANY SESSION OF SCHOOL WHEN SCHOOL IS IN SESSION.

3. NOT MORE THAN EIGHT HOURS IN ANY ONE DAY WHEN THE CHILD IS NOT ENROLLED IN A SESSION OF SCHOOL OR ON A DAY WHEN SCHOOL IS NOT IN SESSION.

4. NOT MORE THAN THREE HOURS IN ANY ONE DAY WHEN THE CHILD IS ENROLLED IN ANY SESSION OF SCHOOL ON A DAY WHEN SCHOOL IS IN SESSION.

C. CHILDREN UNDER THE AGE OF SIXTEEN SHALL NOT BE EMPLOYED AT NIGHT.

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D. THE PROVISIONS OF SUBSECTIONS B AND C OF THIS SECTION SHALL NOT APPLY TO CHILDREN WHO DELIVER NEWSPAPERS TO THE CONSUMER.

23-234. **Minimum age of newspaper carriers**

NO CHILD UNDER THE AGE OF TEN YEARS SHALL SELL, EXPOSE FOR SALE OR OTHERWISE OFFER FOR SALE NEWSPAPERS, MAGAZINES OR PERIODICALS IN ANY STREET OR PUBLIC PLACE.

23-235. **Exemptions**

THE PROVISIONS OF SECTIONS 23-231, 23-232 AND 23-233 SHALL NOT APPLY TO CHILDREN:

1. UNDER THE AGE OF SIXTEEN YEARS WHO ARE EMPLOYED BY THEIR PARENTS OR PERSON IN LOCO PARENTIS IN AGRICULTURAL OCCUPATIONS OR IN NONAGRICULTURAL OCCUPATIONS OTHER THAN MINING OR MANUFACTURING.
2. EMPLOYED AS STARS OR PERFORMERS IN MOTION PICTURE, THEATRICAL, RADIO OR TELEVISION PRODUCTIONS.
3. INVOLVED IN CAREER EDUCATION PROGRAMS PURSUANT TO TITLE 15, CHAPTER 11, ARTICLE 9.
4. INVOLVED IN VOCATIONAL OR MANUAL TRAINING SCHOOL PROGRAMS PURSUANT TO TITLE 15, CHAPTER 10, ARTICLE 6.
5. EMPLOYED AS APPRENTICES AND REGISTERED BY THE BUREAU OF APPRENTICESHIP AND TRAINING OF THE UNITED STATES DEPARTMENT OF LABOR IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THAT BUREAU OR REGISTERED BY THE APPRENTICESHIP COUNCIL OR EMPLOYED UNDER A WRITTEN APPRENTICESHIP AGREEMENT AND CONDITIONS WHICH ARE FOUND BY THE SECRETARY OF LABOR TO CONFORM SUBSTANTIALLY WITH SUCH FEDERAL OR STATE STANDARDS.
6. TRAINED UNDER EITHER THE 4-H FEDERAL EXTENSION SERVICE OR THE UNITED STATES OFFICE OF EDUCATION, VOCATIONAL AGRICULTURE TRAINING PROGRAMS, IF EMPLOYED OUTSIDE SCHOOL HOURS ON THE EQUIPMENT FOR WHICH THEY HAVE BEEN TRAINED.



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**23-236. Violations; cease and desist order; time for compliance**

WHEN THE COMMISSION HAS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON IS VIOLATING ANY PROVISION OF THIS ARTICLE OR ANY RULE OR REGULATION ADOPTED PURSUANT TO THIS ARTICLE IT MAY FORTHWITH SERVE UPON SUCH PERSON BY REGISTERED OR CERTIFIED MAIL OR IN PERSON A CEASE AND DESIST ORDER. SUCH ORDER SHALL STATE WITH PARTICULARITY THE ACT BEING DONE THAT CONSTITUTES THE VIOLATION, SHALL STATE IN ITS ENTIRETY THE CERTAIN REQUIREMENT, PROVISION OR RULE OR REGULATION BEING VIOLATED, AND THAT THE ALLEGED VIOLATOR IS ENTITLED TO A HEARING IF SUCH HEARING IS REQUESTED IN WRITING WITHIN TWENTY DAYS AFTER THE DATE OF ISSUANCE OF THE ORDER.

**23-237. Hearings on cease and desist orders**

A. A CEASE AND DESIST ORDER ISSUED BY THE COMMISSION SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE EXPIRATION OF THE TIME DURING WHICH A REQUEST FOR A HEARING MAY BE MADE PURSUANT TO SECTION 23-236 UNLESS THE PERSON OR PERSONS NAMED IN SUCH ORDER SHALL HAVE MADE A TIMELY REQUEST FOR A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY REFER THE REQUEST FOR HEARING TO A HEARING OFFICER FOR THE CONDUCT OF THE HEARING. IF A HEARING IS REQUESTED, THE HEARING SHALL BE HELD THIRTY DAYS FROM RECEIPT OF THE REQUEST UNLESS SUCH TIME IS EXTENDED BY THE COMMISSION OR THE HEARING OFFICER TO WHICH IT IS ASSIGNED. WRITTEN NOTICE OF THE TIME AND PLACE OF THE HEARING SHALL BE SENT BY THE COMMISSION OR THE HEARING OFFICER TO THE PERSON OR PERSONS REQUESTING THE HEARING AT LEAST FIFTEEN DAYS BEFORE THE HEARING. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 6, ARTICLE 1.

B. IF THE COMMISSION, AFTER THE HEARING, DETERMINES THAT THE ACT OR ACTS SET FORTH IN THE CEASE AND DESIST ORDER CONSTITUTE A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR OF THE RULES AND REGULATIONS ADOPTED PURSUANT TO THIS ARTICLE, THE COMMISSION SHALL AFFIRM OR MODIFY THE ORDER ACCORDINGLY.

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C. THE ORDER ISSUED BY THE COMMISSION AFTER HEARING IS FINAL UNLESS WITHIN THIRTY DAYS AFTER THE DATE OF MAILING OF A COPY OF SUCH ORDER TO THE PERSON NAMED IN THE ORDER, SUCH PERSON APPLIES TO THE COURT OF APPEALS FOR A WRIT OF CERTIORARI PURSUANT TO SECTION 23-951. THE ORDER SHALL CONTAIN A STATEMENT OF THIS RIGHT OF APPEAL.

23-238. **Injunctive relief**

UPON THE FAILURE OR REFUSAL OF A PERSON TO COMPLY WITH A CEASE AND DESIST ORDER OF THE COMMISSION, THE COMMISSION MAY FILE AN ACTION IN THE SUPERIOR COURT OF THE COUNTY WHERE THE ALLEGED VIOLATION OCCURRED TO RESTRAIN AND ENJOIN THE PERSON FROM ENGAGING IN FURTHER ACTS VIOLATING THE ORDER. THE COURT SHALL PROCEED AS IN OTHER ACTIONS FOR INJUNCTIONS. IN THE PRELIMINARY HEARING IN AN ACTION FOR AN INJUNCTION OR RESTRAINING ORDER BROUGHT PURSUANT TO THIS ARTICLE, ANY FINDINGS OF THE COMMISSION SHALL BE PRIMA FACIE EVIDENCE OF THE FACT OR FACTS FOUND THEREIN UNTIL REBUTTED.

23-239. **Violation; penalty**

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR.

23-240. **Rules and regulations**

THE COMMISSION SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

Sec. 7. Section 23-951, Arizona Revised Statutes, is amended to read:

23-951. **Writ of certiorari to review lawfulness of award, decision, order; procedure**

A. Any party affected by an award BY THE COMMISSION OR BY A DECISION UPON REVIEW of the commission under the provisions of section 23-943, OR BY AN ORDER OR DECISION OTHER THAN THE ONE ISSUED PURSUANT TO SECTION 23-944, may apply to the court of appeals for a writ of certiorari to review the lawfulness of the award, ORDER OR DECISION.

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B. The writ of certiorari provided by subsection A and by section 23-943 shall be made returnable within ten days and shall direct the commission to certify its record, proceedings and evidence to the court of appeals. The court of appeals may quash or dismiss the writ of certiorari upon the grounds of dismissal applicable to civil appeals. The review shall be limited to determining whether or not the commission acted without or in excess of its power and, if findings of fact were made, whether or not such findings of fact support the award, ORDER OR DECISION. If necessary, the court may review the evidence.

C. Each party to the proceedings before the commission may appear in the court of appeals.

D. The court of appeals shall enter judgment either affirming or setting aside the award, ORDER OR DECISION.

E. The rules of civil procedure relating to certiorari shall apply so far as applicable and not in conflict with this chapter.

**Sec. 8. Emergency**

To preserve the public peace, health and safety it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor - April 6, 1972

Filed in the Office of the Secretary of State - April 6, 1972