

State of Arizona
Senate
Thirtieth Legislature
Second Regular Session

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S. B. 1125

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AN ACT

RELATING TO LABOR; PRESCRIBING LIMITATIONS ON LABOR OF CHILDREN; 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, AND AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 3.

- 1 Be it enacted by the Legislature of the State of Arizona:
- 2 Section 1. Repeal
- 3 Section 15-322, Arizona Revised Statutes, is repealed.
- 4 Sec. 2. Section 15-323, Arizona Revised Statutes, is amended
- 5 to read:
- 6 15-323. Violation; penalty
- 7 A person violating any provision of sections SECTION 15-321
- 8 ~~or 15-322~~ is guilty of a misdemeanor, punishable by a fine of not
- 9 less than five nor more than three hundred dollars, imprisonment
- 10 for not less than one nor more than ninety days, or both.
- 11 Sec. 3. Section 15-328, Arizona Revised Statutes, is amended
- 12 to read:
- 13 15-328. Part-time schools for employed children; school
- 14 hours counted as hours of employment
- 15 A. In a school district in which fifteen employment-certifi-
- 16 cates-have-been-issued OR MORE CHILDREN ARE EMPLOYED, there shall
- 17 be a part-time school or class. The part-time school shall give

1 instructions for not less than one hundred fifty hours per year and
2 for not less than five hours per week between the hours of eight a.m.
3 and six p.m.

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

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

10 Sec. 4. Repeal

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12 repealed.

13 Sec. 5. Title 23, chapter 2, Arizona Revised Statutes, is
14 amended by adding a new article 3, sections 23-231 through 23-240,
15 to read:

16 ARTICLE 3. EMPLOYMENT OF CHILDREN

17 23-231. Prohibited employments of children under
18 the age of eighteen

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

21 1. OCCUPATIONS IN OR ABOUT PLANTS OR ESTABLISHMENTS MANUFACTUR-
22 ING OR STORING EXPLOSIVES OR ARTICLES CONTAINING EXPLOSIVE COMPONENTS.

23 2. OCCUPATIONS OF MOTOR VEHICLE DRIVER AND OUTSIDE HELPER.

24 3. COAL MINE OCCUPATIONS.

25 4. LOGGING OCCUPATIONS AND OCCUPATIONS IN THE OPERATION OF ANY
26 SAWMILL, LATH MILL, SHINGLE MILL OR COOPERAGE STOCK MILL.

27 5. OCCUPATIONS INVOLVED IN THE OPERATION OF POWER-DRIVEN
28 WOODWORKING MACHINES.

29 6. OCCUPATIONS INVOLVING EXPOSURE TO RADIOACTIVE SUBSTANCES AND
30 TO IONIZING RADIATIONS.

31 7. OCCUPATIONS INVOLVED IN THE OPERATION OF ELEVATORS AND OTHER
32 POWER-DRIVEN HOISTING APPARATUS.

33 8. OCCUPATIONS INVOLVED IN THE OPERATION OF POWER-DRIVEN METAL
34 FORMING, PUNCHING AND SHEARING MACHINES.

- 1 9. OCCUPATIONS IN CONNECTION WITH MINING OTHER THAN COAL.
- 2 10. OCCUPATIONS INVOLVED IN SLAUGHTERING, MEAT PACKING, PROCESS-
- 3 ING OR RENDERING.
- 4 11. OCCUPATIONS INVOLVED IN THE OPERATION OF CERTAIN POWER-
- 5 DRIVEN BAKERY MACHINES.
- 6 12. OCCUPATIONS INVOLVED IN THE OPERATION OF CERTAIN POWER-
- 7 DRIVEN PAPER PRODUCTS MACHINES.
- 8 13. OCCUPATIONS INVOLVED IN THE MANUFACTURE OF BRICK, TILE
- 9 AND KINDRED PRODUCTS.
- 10 14. OCCUPATIONS INVOLVED IN THE OPERATION OF CIRCULAR SAWS,
- 11 GUILLOTINE SHEARS AND BAND SAWS.
- 12 15. OCCUPATIONS INVOLVED IN WRECKING, DEMOLITION AND SHIP-
- 13 BREAKING OPERATIONS.
- 14 16. OCCUPATIONS INVOLVED IN ROOFING OPERATIONS.
- 15 17. OCCUPATIONS IN EXCAVATION OPERATIONS.
- 16 18. EMPLOYMENT IN ANY OTHER OCCUPATION DECLARED BY THE INDUS-
- 17 TRIAL COMMISSION TO BE DANGEROUS TO LIVES OR LIMBS OR INJURIOUS TO
- 18 THE HEALTH AND MORALS OF CHILDREN BETWEEN THE AGES OF SIXTEEN AND
- 19 EIGHTEEN YEARS.
- 20 23-232. Prohibited employments of children under
- 21 the age of sixteen
- 22 NO CHILD UNDER THE AGE OF SIXTEEN YEARS SHALL BE EMPLOYED OR
- 23 ALLOWED TO WORK IN, ABOUT OR IN CONNECTION WITH:
- 24 1. ANY MANUFACTURING OCCUPATION.
- 25 2. ANY MINING OCCUPATION.
- 26 3. PROCESSING OCCUPATIONS SUCH AS FILLETING FISH, DRESSING
- 27 POULTRY, CRACKING NUTS OR LAUNDERING IN A COMMERCIAL LAUNDRY.
- 28 4. OCCUPATIONS REQUIRING THE PERFORMANCE OF DUTIES IN WORK-
- 29 ROOMS OR WORKPLACES WHERE GOODS ARE MANUFACTURED, MINED OR OTHERWISE
- 30 PROCESSED.
- 31 5. PUBLIC MESSENGER SERVICE.
- 32 6. OPERATION OR TENDING OF HOISTING APPARATUS OR OF ANY POWER-
- 33 DRIVEN MACHINERY.

1 7. OCCUPATIONS IN CONNECTION WITH TRANSPORTATION OF PERSONS
2 OR PROPERTY BY RAIL, HIGHWAY, AIR, ON WATER, PIPELINE OR OTHER MEANS.
3 8. OCCUPATIONS IN CONNECTION WITH WAREHOUSING AND STORAGE.
4 9. OCCUPATIONS IN CONNECTION WITH COMMUNICATION AND PUBLIC
5 UTILITIES.
6 10. OCCUPATIONS IN CONSTRUCTION AND REPAIR.
7 11. ANY OF THE FOLLOWING OCCUPATIONS IN A RETAIL FOOD OR GASO-
8 LINE SERVICE ESTABLISHMENT:
9 (a) WORK IN OR ABOUT BOILER OR ENGINE ROOMS.
10 (b) WORK IN CONNECTION WITH MAINTENANCE OR REPAIR OF THE ESTAB-
11 LISHMENT, MACHINES OR EQUIPMENT.
12 (c) OUTSIDE WINDOW WASHING THAT INVOLVES WORKING FROM WINDOW
13 SILLS, AND ALL WORK REQUIRING THE USE OF LADDERS, SCAFFOLDS OR THEIR
14 SUBSTITUTES.
15 (d) COOKING AND BAKING, EXCEPT AT SODA FOUNTAINS, LUNCH COUNTERS,
16 SNACK BARS OR CAFETERIA SERVING COUNTERS.
17 (e) OCCUPATIONS WHICH INVOLVE SETTING UP, ADJUSTING, CLEANING,
18 OILING OR REPAIRING POWER-DRIVEN FOOD SLICERS AND GRINDERS, FOOD
19 CHOPPERS AND CUTTERS AND BAKERY TYPE MIXERS.
20 (f) WORK IN FREEZERS AND MEAT COOLERS AND ALL WORK IN PREPARA-
21 TION OF MEATS FOR SALE, EXCEPT WRAPPING, SEALING, LABELING, WEIGHING,
22 PRICING AND STOCKING WHEN PERFORMED IN OTHER AREAS.
23 (g) LOADING AND UNLOADING GOODS TO AND FROM TRUCKS, RAILROAD
24 CARS OR CONVEYORS.
25 12. ANY OF THE FOLLOWING OCCUPATIONS IN AGRICULTURE:
26 (a) OPERATING A TRACTOR OVER TWENTY PTO HORSEPOWER OR CONNECTING
27 OR DISCONNECTING AN IMPLEMENT OR ANY OF ITS PARTS TO OR FROM SUCH
28 TRACTOR.
29 (b) OPERATING A CORN PICKER, COTTON PICKER, GRAIN COMBINE,
30 HAY MOWER, FORAGE HARVESTER, HAY BALER, POTATO DIGGER, MOBIL PEA
31 VINER, FEED GRINDER, CROP DRYER, FORAGE BLOWER, AUGER CONVEYOR OR
32 SELF UNLOADING WAGON, POWER POST HOLE DICER, POWER DRIVER NON-
33 WALKING ROTARY TYPE TILLER, TRENCHER OR EARTHMOVING EQUIPMENT, FORK
34 LIFT, POTATO COMBINE, POWER-DRIVEN CHAIN OR BAND SAW.

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

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

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

8 (f) RIDING ON A TRACTOR AS A HELPER.

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

13 (h) HANDLING AGRICULTURAL CHEMICALS CLASSIFIED AS POISON.

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

17 (j) TRANSPORTING, TRANSFERRING OR APPLYING ANHYDROUS AMMONIA.

18 23-233. Permissible hours of labor for children;

19 exceptions

20 A. EMPLOYMENT OF CHILDREN SHALL BE CONFINED TO:

21 1. NOT MORE THAN FORTY HOURS IN ANY ONE WEEK WHEN SCHOOL IS
22 NOT IN SESSION.

23 2. NOT MORE THAN EIGHTEEN HOURS IN ANY ONE WEEK WHEN SCHOOL
24 IS IN SESSION.

25 3. NOT MORE THAN EIGHT HOURS IN ANY ONE DAY WHEN SCHOOL IS NOT
26 IN SESSION.

27 4. NOT MORE THAN THREE HOURS IN ANY ONE DAY WHEN SCHOOL IS IN
28 SESSION.

29 5. BETWEEN SEVEN O'CLOCK A.M. AND SEVEN O'CLOCK P.M. IN ANY
30 ONE DAY, EXCEPT DURING THE PERIOD FROM JUNE 1 THROUGH LABOR DAY WHEN
31 THE HOURS SHALL BE BETWEEN SEVEN O'CLOCK A.M. AND NINE O'CLOCK P.M.

32 B. THE PROVISIONS OF SUBSECTION A OF THIS SECTION SHALL NOT
33 APPLY TO CHILDREN WHO DELIVER NEWSPAPERS TO THE CONSUMER OR TO
34 CHILDREN WHO ARE EXCUSED PURSUANT TO SECTION 15-321.

1 23-234. Minimum age of newspaper carriers
2 NO CHILD UNDER THE AGE OF TWELVE YEARS SHALL SELL, EXPOSE FOR
3 SALE OR OTHERWISE OFFER FOR SALE NEWSPAPERS, MAGAZINES OR PERIODICALS
4 IN ANY STREET OR PUBLIC PLACE.

5 23-235. Exemptions
6 THE PROVISIONS OF SECTIONS 23-231, 23-232 AND 23-233 SHALL NOT
7 APPLY TO CHILDREN:

- 8 1. UNDER THE AGE OF SIXTEEN YEARS WHO ARE EMPLOYED BY THEIR
9 PARENTS IN AGRICULTURAL OCCUPATIONS OR IN NONAGRICULTURAL OCCUPATIONS
10 OTHER THAN MINING OR MANUFACTURING.
- 11 2. EMPLOYED AS STARS OR PERFORMERS IN MOTION PICTURE, THEATRICAL,
12 RADIO OR TELEVISION PRODUCTIONS.
- 13 3. INVOLVED IN CAREER EDUCATION PROGRAMS PURSUANT TO TITLE 15,
14 CHAPTER 11, ARTICLE 9.
- 15 4. INVOLVED IN VOCATIONAL OR MANUAL TRAINING SCHOOL PROGRAMS
16 PURSUANT TO TITLE 15, CHAPTER 10, ARTICLE 6.

17 23-236. Violations; cease and desist order; time
18 for compliance

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

29 23-237. Hearings on cease and desist orders

30 A. A CEASE AND DESIST ORDER ISSUED BY THE COMMISSION SHALL BE-
31 COME EFFECTIVE IMMEDIATELY UPON THE EXPIRATION OF THE TIME DURING
32 WHICH A REQUEST FOR A HEARING MAY BE MADE PURSUANT TO SECTION 23-236
33 UNLESS THE PERSON OR PERSONS NAMED IN SUCH ORDER SHALL HAVE MADE A

1 TIMELY REQUEST FOR A HEARING BEFORE THE COMMISSION. IF A HEARING IS
2 REQUESTED, THE COMMISSION SHALL HOLD THE HEARING WITHIN THIRTY DAYS
3 FROM RECEIPT OF THE REQUEST UNLESS SUCH TIME IS EXTENDED BY THE COM-
4 MISSION. WRITTEN NOTICE OF THE TIME AND PLACE OF THE HEARING SHALL
5 BE SENT BY THE COMMISSION TO THE PERSON OR PERSONS REQUESTING THE
6 HEARING AT LEAST FIFTEEN DAYS BEFORE THE HEARING. SUCH HEARING SHALL
7 BE CONDUCTED PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 6, ARTI-
8 CLE 1.

9 B. IF THE COMMISSION, AFTER THE HEARING, DETERMINES THAT THE
10 ACT OR ACTS SET FORTH IN THE ORDER CONSTITUTE A VIOLATION OF ANY PRO-
11 VISION OF THIS ARTICLE OR OF THE RULES AND REGULATIONS ADOPTED PUR-
12 SUANT TO THIS ARTICLE, THE COMMISSION SHALL AFFIRM OR MODIFY THE ORDER.

13 23-238. Injunctive relief

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

23 23-239. Violation; penalty

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

26 23-240. Rules and regulations

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

COMMERCE AND LABOR

SENATE AMENDMENTS TO S.B. 1125

(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

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

4 15-321. Compulsory school attendance; exceptions

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

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

16 1. The child is instructed at home by a competent teacher in the
17 subjects given in the common schools of the state.

18 2. The child is attending a regularly organized private or
19 parochial school taught by competent teachers for the full time that
20 the public schools of the district are in session.

21 3. The child is in such physical or mental condition that
22 attendance at a public school is inexpedient or impracticable.

23 4. The child has completed the grammar school courses prescribed
24 by the state board of education.

25 5. The child has presented reasons for nonattendance which are
26 satisfactory to a board consisting of the president of the local board
27 of trustees, the teacher of the child and the probation officer of the
28 superior court of the county.