

---

HOUSE BILL 2019

---

State of Washington

56th Legislature

1999 Regular Session

By Representatives B. Chandler, Clements, Schindler, Grant, Benson, Mielke, Boldt, Esser, Delvin, McMorris and Lisk

Read first time 02/12/1999. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the employment of minors; amending RCW  
2 49.12.121, 49.12.390, 49.12.410, and 49.12.420; repealing RCW  
3 49.12.123; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 49.12.121 and 1993 c 294 s 9 are each amended to read  
6 as follows:

7 (1) The department may at any time inquire into wages, hours, and  
8 conditions of labor of minors employed in any trade, business, or  
9 occupation in the state of Washington and may adopt special rules for  
10 the protection of the safety, health, and welfare of minor employees.  
11 However, the rules:

12 (a) Must permit a minor age sixteen or seventeen to be employed  
13 without limits on the hours per day or per week or other specified work  
14 period, except as provided in RCW 49.12.300 and except as follows:

15 (i) Employment may not exceed six hours per day on a school day  
16 preceding a school day, twenty-eight hours per week during a school  
17 week, or fifty hours per week during a nonschool week; and

1 (ii) Employment may occur only during the hours starting at 6:00  
2 a.m. and ending at midnight, except that a starting time of 5:00 a.m.  
3 is permitted on nonschool days;

4 (b) May not limit the hours per day or per week, or other specified  
5 work period, that may be worked by minors who are emancipated by court  
6 order or who are age sixteen or seventeen and employed by a parent,  
7 guardian, or other person having legal custody of the minor; and

8 (c) May not restrict the occupations or types of work in which a  
9 minor age sixteen and seventeen may be employed beyond restrictions  
10 under this code or of the child labor provisions of the fair labor  
11 standards act (29 C.F.R. Part 570, Subpart E).

12 (2) The department shall issue work permits to employers for the  
13 employment of minors, after being assured the proposed employment of a  
14 minor meets the standards for the health, safety, and welfare of minors  
15 as set forth in the rules adopted by the department. No minor person  
16 shall be employed in any occupation, trade, or industry subject to this  
17 chapter ((16, Laws of 1973 2nd ex. sess.,)) unless a work permit that  
18 is on file with the employer during the employment of the minor has  
19 been properly issued, with the consent of the parent, guardian, or  
20 other person having legal custody of the minor and with the approval of  
21 the school which such minor may then be attending. However, the  
22 consent of a parent, guardian, or other person, or the approval of the  
23 school which the minor may then be attending, is unnecessary if the  
24 minor is emancipated by court order, and the approval of the school is  
25 unnecessary for minors age sixteen or seventeen if the parent,  
26 guardian, or other person having legal custody of the minor has filed  
27 with the minor's school a letter consenting to the minor's employment.

28 (3) The minimum wage for minors shall be as prescribed in RCW  
29 49.46.020.

30 (4) As used in this section:

31 (a) "School day" means a day on which a minor is required to attend  
32 school pursuant to the attendance policy of the school which the minor  
33 is attending.

34 (b) "School week" means a week in which there are more than two  
35 scheduled school days.

36 **Sec. 2.** RCW 49.12.390 and 1991 c 303 s 3 are each amended to read  
37 as follows:

1 (1)(a) Except as otherwise provided in subsection (2) of this  
2 section, if the director, or the director's designee, finds that an  
3 employer has violated any of the requirements of RCW 49.12.121 ((~~or~~  
4 ~~49.12.123~~)), or a rule or order adopted or variance granted under RCW  
5 49.12.121 ((~~or 49.12.123~~)), a citation stating the violations shall be  
6 issued to the employer. The citation shall be in writing, describing  
7 the nature of the violation including reference to the standards,  
8 rules, or orders alleged to have been violated. An initial citation  
9 for failure to comply with ((~~RCW 49.12.123 or~~)) rules requiring a minor  
10 work permit and maintenance of records shall state a specific and  
11 reasonable time for abatement of the violation to allow the employer to  
12 correct the violation without penalty. The director or the director's  
13 designee may establish a specific time for abatement of other  
14 nonserious violations in lieu of a penalty for first time violations.  
15 The citation and a proposed penalty assessment shall be given to the  
16 highest management official available at the workplace or be mailed to  
17 the employer at the workplace. In addition, the department shall mail  
18 a copy of the citation and proposed penalty assessment to the central  
19 personnel office of the employer. Citations issued under this section  
20 shall be posted at or near the place where the violation occurred.

21 (b) Except when an employer corrects a violation as provided in (a)  
22 of this subsection, he or she shall be assessed a civil penalty of not  
23 more than one thousand dollars depending on the size of the business  
24 and the gravity of the violation. The employer shall pay the amount  
25 assessed within thirty days of receipt of the assessment or notify the  
26 director of his or her intent to appeal the citation or the assessment  
27 penalty as provided in RCW 49.12.400.

28 (2) If the director, or the director's designee, finds that an  
29 employer has committed a serious or repeated violation of the  
30 requirements of RCW 49.12.121 ((~~or 49.12.123~~)), or any rule or order  
31 adopted or variance granted under RCW 49.12.121 ((~~or 49.12.123~~)), the  
32 employer is subject to a civil penalty of not more than one thousand  
33 dollars for each day the violation continues. For the purposes of this  
34 subsection, a serious violation shall be deemed to exist if death or  
35 serious physical harm has resulted or is imminent from a condition that  
36 exists, or from one or more practices, means, methods, operations, or  
37 processes that have been adopted or are in use by the employer, unless  
38 the employer did not, and could not with the exercise of reasonable  
39 diligence, know of the presence of the violation.

1 (3) In addition to any other authority provided in this section,  
2 if, upon inspection or investigation, the director, or director's  
3 designee, believes that an employer has violated RCW 49.12.121 ((~~or~~  
4 ~~49.12.123~~)), or a rule or order adopted or variance granted under RCW  
5 49.12.121 ((~~or~~ ~~49.12.123~~)), and that the violation creates a danger  
6 from which there is a substantial probability that death or serious  
7 physical harm could result to a minor employee, the director, or  
8 director's designee, may issue an order immediately restraining the  
9 condition, practice, method, process, or means creating the danger in  
10 the workplace. An order issued under this subsection may require the  
11 employer to take steps necessary to avoid, correct, or remove the  
12 danger and to prohibit the employment or presence of a minor in  
13 locations or under conditions where the danger exists.

14 (4) An employer who violates any of the posting requirements of RCW  
15 49.12.121 or rules adopted implementing RCW 49.12.121 shall be assessed  
16 a civil penalty of not more than one hundred dollars for each  
17 violation.

18 (5) A person who gives advance notice, without the authority of the  
19 director, of an inspection to be conducted under this chapter shall be  
20 assessed a civil penalty of not more than one thousand dollars.

21 (6) Penalties assessed under this section shall be paid to the  
22 director and deposited into the general fund.

23 **Sec. 3.** RCW 49.12.410 and 1991 c 303 s 5 are each amended to read  
24 as follows:

25 An employer who knowingly or recklessly violates the requirements  
26 of RCW 49.12.121 ((~~or~~ ~~49.12.123~~)), or a rule or order adopted under RCW  
27 49.12.121 ((~~or~~ ~~49.12.123~~)), is guilty of a gross misdemeanor. An  
28 employer whose practices in violation of the requirements of RCW  
29 49.12.121 ((~~or~~ ~~49.12.123~~)), or a rule or order adopted under RCW  
30 49.12.121 ((~~or~~ ~~49.12.123~~)), result in the death or permanent disability  
31 of a minor employee is guilty of a class C felony.

32 **Sec. 4.** RCW 49.12.420 and 1991 c 303 s 7 are each amended to read  
33 as follows:

34 The penalties established in RCW 49.12.390 and 49.12.410 for  
35 violations of RCW 49.12.121 ((~~and~~ ~~49.12.123~~)) are exclusive remedies.

1        NEW SECTION.    **Sec. 5.**    RCW 49.12.123 (Work permit for minor  
2 required) and 1991 c 303 s 8, 1983 c 3 s 156, & 1973 c 51 s 3 are each  
3 repealed.

--- END ---