

# VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

## CHAPTER 151

*An Act to amend and reenact §§ 40.1-79.1 and 40.1-100 of the Code of Virginia, relating to volunteer firefighters; minors.*

[H 1703]

Approved March 20, 2005

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 40.1-79.1 and 40.1-100 of the Code of Virginia are amended and reenacted as follows:**

§ 40.1-79.1. Exemptions from chapter generally; local ordinance authorizing participation in volunteer fire company activities.

A. Any county, city or town may authorize by ordinance any person ~~sixteen years of age~~ *residing anywhere in the Commonwealth, aged 16 years or older, who is a member of a volunteer fire company within such county, city, or town with parental or guardian approval, (i) to seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs; and (ii) to work with or participate fully in all activities of a such volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, ~~fire fighter~~ firefighter standards, as administered by the Department of Fire Programs.*

B. Any trainer or instructor of such persons mentioned in subsection A of this section and any member of a paid or volunteer fire company who supervises any such persons shall be exempt from the provisions of § 40.1-103, *provided that the provisions of § 40.1-100 have not been violated*, when engaged in activities of a volunteer fire company, *and* provided that the volunteer fire company or the governing body of such county, city or town has purchased insurance which provides coverage for injuries to or the death of such persons in their performance of activities under this section.

§ 40.1-100. Certain employment prohibited or limited.

A. No child under ~~eighteen~~ 18 years of age shall be employed, permitted or suffered to work:

1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or establishment manufacturing or storing explosives or articles containing explosive components; in any occupation involving exposure to radioactive substances or to ionizing radiations including X-ray equipment;

2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking machine;

3. In oiling or assisting in oiling, wiping and cleaning any such machinery;

4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are used;

5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for consumption on the premises except in places where the sale of alcoholic beverages is merely incidental to the main business actually conducted, or to deliver alcoholic goods;

6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking operations;

7. As a driver or a helper on a truck or commercial vehicle of more than two axles. The provisions of this paragraph shall not apply to the drivers of school buses;

8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any occupation involving slaughtering, meatpacking, processing or rendering;

9. In any occupation determined and declared hazardous by rules and regulations promulgated by the Commissioner of Labor and Industry, *except as otherwise provided in subsection D.*

Notwithstanding the provisions of this section, children ~~sixteen~~ 16 years of age or older who are serving a voluntary apprenticeship as provided in Chapter 6 (§ 40.1-117 et seq.) of this title may be employed in any occupation in accordance with rules and regulations promulgated by the Commissioner.

B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89, no child under ~~sixteen~~ 16 years of age shall be employed, permitted or suffered to work:

1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home, clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly, or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any warehouse; in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber yard or ice plant or in ushering in theaters. Children ~~fourteen~~ 14 years of age or

more may be engaged in office work of a clerical nature in bona fide office rooms in the above types of establishments.

2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair, floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.

C. Children ~~fourteen~~ 14 years of age or more may be employed by dry cleaning or laundry establishments in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics where they may be engaged in kitchen work, tray service or room and hall cleaning. Children ~~fourteen~~ 14 years of age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not in or about such machines, and in soda fountains, restaurants and hotel and motel food service departments. Children ~~fourteen~~ 14 years of age or more may work as gatekeepers and in concessions at swimming pools and may be employed by concessionaires operating on beaches where their duties and work pertain to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach equipment.

D. Notwithstanding any other provision of this chapter:

1. Children ~~sixteen years of age or more~~ aged 16 years or older employed on farms, in gardens or in orchards may operate, assist in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle as defined in § 46.2-1099, in their employment;

2. Children ~~fourteen years of age or more~~ aged 14 years or older employed on farms, in gardens or in orchards may perform work as a helper on a truck or commercial vehicle in their employment, while engaged in such work exclusively on a farm, in a garden or in an orchard;

3. *Children aged 16 years or older may participate in all activities of a volunteer fire company; however, any such child shall not enter a burning structure or a structure which contains burning materials prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where entry into a structure that contains burning materials is during training necessary to attain certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs.*

**2. That an emergency exists and this act is in force from its passage.**