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HOUSE BILL NO. 1703

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Commerce and Labor
on February 1, 2005)

(Patron Prior to Substitute—Delegate Kilgore)

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

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 resident anywhere in the Commonwealth, aged 16 years or older, with parental or guardian approval, to seek certification under National Fire Protection Association 1001, level one, fire fighter standards, as administered by the Department of Fire Programs.

A B. Any county, city or town may authorize by ordinance any person sixteen years of age resident anywhere in the Commonwealth, aged 16 years or older, with parental or guardian approval, to work with or participate fully in all activities of a volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, fire fighter standards, as administered by the Department of Fire Programs.

B C. Any trainer or instructor of such persons mentioned in subsection A or B 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 when engaged in activities of a volunteer fire company, 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

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60 establishment or funeral home; in any curb service restaurant, in hotel and motel room service; in any
61 brick, coal or lumber yard or ice plant or in ushering in theaters. Children ~~fourteen~~ 14 years of age or
62 more may be engaged in office work of a clerical nature in bona fide office rooms in the above types of
63 establishments.

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

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

75 D. Notwithstanding any other provision of this chapter:

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

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

82 3. Children aged 16 years or older may participate in all activities of a volunteer fire company with
83 the exception of entering a burning structure or a structure which contains burning materials, while
84 seeking certification under National Fire Protection Association 1001, level one, fire fighter standards,
85 pursuant to the provisions of subsection A of § 40.1-79.1.