

VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

CHAPTER 667

An Act to amend and reenact § 40.1-113 of the Code of Virginia, relating to civil penalties for child labor offenses.

[H 2783]

Approved March 20, 2007

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-113 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-113. Child labor offenses; civil penalties.

A. Whoever employs, procures, or, having under his control, permits a child to be employed, or issues an employment certificate, in violation of any of the provisions of this chapter other than §§ 40.1-100.2, 40.1-103 and 40.1-112, shall be subject to a civil penalty *that (i) shall not exceed \$10,000 for each violation that results in the employment of a child who is seriously injured or who dies in the course of that employment and (ii) shall not exceed \$1,000 for each other violation.* In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The determination by the Commissioner shall be final, unless within fifteen days after receipt of such notice the person charged with the violation notifies the Commissioner by certified mail that he intends to contest the proposed penalty before the appropriate general district court.

B. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the treasury of the Commonwealth. The Commissioner shall prescribe procedures for the payment of proposed penalties which are not contested by employers.