

# VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

## CHAPTER 157

*An Act to amend and reenact § 40.1-112 of the Code of Virginia, relating to employment; solicitation and sales.*

[H 1149]

Approved March 16, 1998

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

**1. That § 40.1-112 of the Code of Virginia is amended and reenacted as follows:**

§ 40.1-112. Solicitation generally.

A. In order to provide for enforcement of the child labor laws and the protection of employees, it shall be unlawful for any person, firm or corporation, except a nonprofit organization as defined in § 501 (c) (3) of the United States Internal Revenue Code, to engage in or to employ any person for, or suffer or permit any person in his employment to work in, any trade in any street or public place, including, but not limited to candy sales, ~~solicitation, sale or soliciting for commercial purposes, selling,~~ or obtaining of subscription contracts or orders for books, magazines or other periodical publications other than newspapers, without obtaining from the Commissioner a permit to conduct such business. *No permit shall be required for the placement of advertisements or literature on or near a business or private residence, if there is no attempt, in person, to solicit business or make a sale at the time of the placement of the material.*

B. Such permits shall be valid from the date of issuance until June 30 next following *the* date of issuance. Applications may be made not more than thirty days prior to the requested date of issuance on forms furnished by the Commissioner, and the applicant shall supply such information as is required concerning his place or places of business, the prospective number of his employees, and the proposed hours of work and rate of compensation for such employees. A separate permit shall be required for each place of business ~~or location~~ at which *the* applicant operates within this Commonwealth.

C. Each permittee shall maintain such records as may be prescribed by the Commissioner showing the name, residence address and age of each employee, the hours worked by each employee, the place where such work was performed, and the compensation paid and payable to such employee. Such records shall be available for inspection by the Commissioner or a representative designated by him during business hours.

D. No child shall be employed or permitted to work by or for any permittee unless all the following conditions are satisfied:

1. The child is at least sixteen years of age;
2. The permittee has a permanent business address within this Commonwealth; and
3. The child works at all times under the immediate supervision of an adult.

E. No child shall be required, permitted or directed to make any false statement representing himself, his employer or products or services in his employment.

F. Any person violating any provision or condition of this section shall be guilty of a Class 1 misdemeanor for each such violation. Any violation of this section by a permittee or with his knowledge and consent shall in addition be grounds for revocation of the permit.